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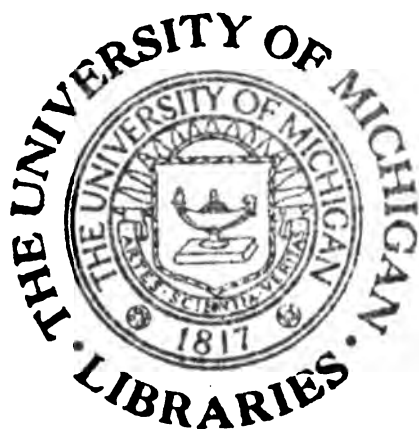
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CHALMERS'S
INTRODUCTION
TO THE
HISTORY OF THE REVOLT
OF THE
AMERICAN COLONIES.
VOL. I

May 17 1845
AN

INTRODUCTION

TO THE *Thomson*

HISTORY OF THE REVOLT

OF THE *Washington*

AMERICAN COLONIES;

BEING

A COMPREHENSIVE VIEW OF ITS ORIGIN,

DERIVED FROM THE STATE PAPERS

CONTAINED IN THE PUBLIC OFFICES OF GREAT BRITAIN.

By GEORGE CHALMERS.

VOLUME I.

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P R E F A C E .

GEORGE CHALMERS is principally known in America as the author of "Political Annals of the United Colonies," although he was a voluminous writer, and published several works on the history of England and Scotland, which are deemed to possess much merit as the result of profound research and a discriminating judgment. The most important of these works are his "Caledonia," in three quarto volumes, and "Life of Mary, Queen of Scots," also in three volumes. He was born in Scotland, in the year 1742, was educated at King's College, Aberdeen, and studied law in Edinburgh. After completing his professional studies, he emigrated to Maryland, where he practised law about ten years, till the troubles of the Revolution began, and then he returned to England.

In his political sentiments, on the subject which at that time agitated the public mind so intensely in the colonies, Mr. Chalmers was a decided loyalist, warmly espousing the cause of the mother country. We do not learn, however, that he took any active

part while in America. He seems to have contented himself with a quiet avowal of his opinions, and to have kept aloof from the contest. Soon after his return to England, he was appointed to some office in one of the ministerial departments, and at a later date was elected to the responsible station of Chief Clerk of the Committee of Privy Council, which place he occupied till his death. He died on the 31st of May, 1825, at the age of eighty-two.

Mr. Chalmers's official station opened to him free access to all the state papers. With his mind deeply interested in the great questions then pending between the two countries, he took advantage of this opportunity to investigate in its original sources the history of the colonies, and the relations in which they had stood to Great Britain from the time of their first settlement. The result was the large quarto volume of his "Political Annals," which was published in 1781. This purports to be the first volume, and comes down no further than the English revolution of 1688. The author evidently intended to publish another volume, but he changed his purpose, and nothing more appeared, although he left at his death a continuation of considerable extent in manuscript. The reason of his publishing no more at that time is obvious. He had endeavored to prove, by an accumulation of facts and elaborate arguments, that the colonies were in the wrong; but, soon after the volume was printed, the capitulation at Yorktown afforded a more convincing proof, that, right or

wrong, they had succeeded, and that it would be an idle waste of pen and ink to argue the point any longer against them. Moreover, the British public at this time were not in a mood to listen to arguments of this kind, which could only demonstrate a series of political blunders in the government, and sharpen the mortification of defeat.

Notwithstanding the tone and object of Chalmers's *Annals*, the work has ever been quoted by American writers with entire confidence and respect, and this circumstance speaks clearly in favor of the author's candor and honesty. Judging from the free use which has constantly been made of this work, as well as from the matter it contains, we may justly regard it as holding an important place in our historical literature. The author was a lawyer, and he has discussed the subject before him in the spirit of his profession, adhering strictly to legal interpretations and distinctions. It is probable that any American lawyer, taking the same premises, would come to the same conclusions; and it may be admitted that the premises are correct, since they are drawn from state papers and legal records of the highest authority.

The error lies in the mode of viewing the subject. It was not a question to be settled by technical constructions of laws, many of which had existed before a colonial establishment was thought of, and others had their origin in a state of things, which had not the remotest bearing on colonial jurisdiction. There

were deeper principles in the British constitution, which could alone adapt themselves to the novel situation in which the colonies had been placed, so different from any thing that had been contemplated or provided for, in the legislation and jurisprudence of the mother country. These principles were overlooked by Chalmers, or swallowed up in what he considered the omnipotence of parliamentary legislation. Chatham and Burke stood on broader ground. They granted the point of law, or rather declared that it did not touch the question at issue, and appealed to the spirit and obvious tenor of the constitution. The redeeming merit of the *Annals* consists in the copious treasure of historical facts embraced in the volume; and also in the evident sincerity of the author, although he labors to establish a doctrine, which, if satisfactorily made out, would not necessarily lead to the conclusion, that the colonies were wrong in resisting the ultimate claims of Great Britain.

The present work, in its general character and principles, accords with the *Annals*, having been written nearly at the same time, but for a different object. The author endeavors to show, that the colonies were aiming at independence from an early period; and, likewise, that the government, under successive administrations, was culpably negligent in forbearing to check the encroaching spirit of the colonial assemblies. The work covers the whole period of colonial history, from the granting of the first Vir-

ginia charter to the reign of George the Third. It was printed, under the author's inspection, as far as the end of the reign of George the First, but no part has ever been published. To the printed copy, which has been used for the impression now given to the public, a title-page is prefixed in the handwriting of the author, with the addition, "suppressed in 1782." It is one of the very few copies, which he reserved for private distribution among his friends.

The reason for its suppression can only be conjectured. The interference of the ministry, however, is presumed to have furnished the chief motive. Just at this time the treaty of peace was signed at Paris, conceding independence to the revolted colonies, as they were called; and the popular clamor against the treaty was already so strong, that there could be no desire to have it increased by a work of this character. Indeed, no political ends could now be answered by its publication; and, as Mr. Chalmers held an office under the government and looked for promotion, it is probable that he thought it more politic to sacrifice the pride and fame of authorship, than to run the hazard of offending the ministers.

The books and papers, which belonged to Mr. Chalmers, were retained in possession of his nephew, till they were recently sold in London; and among them was a manuscript continuation of this work, in the handwriting of the author, completely revised and prepared for the press. It is now printed as it was left by him, beginning with the reign of George

the Second, and constituting about three quarters of the second volume.

The general character of the work is well defined by the title-page. It is strictly an introduction to the history of the American Revolution, deduced for the most part from the state papers in the British offices, or, to speak with more precision, from the confidential correspondence of the governors and other officers of the crown in the colonies. Materials of this description must possess an intrinsic value, which, as we may undoubtedly rely on the fidelity of the author in the use he makes of them, could hardly fail to infuse itself into the substance of his work. It cannot be denied, however, that the subject is thus presented under one aspect only, the picture being exhibited as it was sketched by the partisans of the British government in America, who had few sympathies with the colonists, and who were connected by feeble ties with their interests. Yet we are enabled to ascertain from these volumes, better than from any others, the kind of intelligence which the ministers received from their agents in America, and to arrive at a clearer understanding of the grounds of their public acts. Besides, in all party conflicts involving the political condition and welfare of nations, the truth of history requires that each party should be permitted to state its own case, and then leave the merits of the controversy to be decided by the calm judgment of an impartial posterity.

The American reader will often dissent from the

inferences and opinions of Mr. Chalmers, even when he admits his facts and acknowledges his candor. He has been successful, however, in establishing one of his main positions, which is, that the government unaccountably neglected the administration of the colonies, and constantly turned a deaf ear to the representations and complaints of the crown officers in America, who repeatedly declared and insisted, that parliamentary action was the only remedy that could be applied for checking what they regarded as the usurpations of the colonial assemblies. Whether the ministers suspected the accuracy of these reports, or whether they were unwilling to submit the prerogative of the king so far to the control of Parliament, or whether they were so much occupied with affairs at home as to have no leisure to bestow upon the colonies, or whatever may have been their motives, the charge of culpable neglect is nevertheless clearly proved. It is moreover evident, that this negligence was one of the causes, which kept alive the discontent in the colonies, and hastened the ultimate rupture between the two countries. It does not follow, that any other form of administration would have prevented this rupture, or delayed it for a long time; certainly not, if the maxims of the government, in regard to the colonies, as constantly manifested in the exercise of the prerogative and in the acts of Parliament, had stood unchanged.

The other general position, which Mr. Chalmers aims to establish, and which he has emphatically ex-

pressed in the preface to his "Opinions of Eminent Lawyers," is, that the colonies had a "settled purpose to acquire direct independence throughout every reign, from the epoch of the British revolution in 1689." This was not a new charge. It had been combated by Mr. Dummer, in his Defence of the Charters, more than half a century before the declaration of independence. What proofs does Mr. Chalmers adduce? No other than the complaints of the royal governors, in their letters to the ministers and the Board of Trade, written when they were baffled in their attempts to enforce the unjust claims of the prerogative, and irritated by the steady opposition of the assemblies to their imperious demands. In these fits of ill humor they would accuse the colonies of disloyalty, of nurturing a spirit of revolt, and of secretly aiming at independence.

It is enough to say, that the whole mass of testimony, as the reader will see in this work, amounts to nothing more than an accumulation of suspicions, vented in moments of disappointment, vexatious defeat, or self-reproach for rash and abortive experiments. No instance is mentioned in which the colonists themselves avowed any such design, either directly or by implication; no act of an assembly, no resolve of a public body, no declaration of a single individual, whether conspicuous or not as a leader in public affairs. We may add further, and confidently, that no such instance can be found on record in the colonial annals. On the contrary, the

charge was at all times promptly and pointedly denied. We may receive Mr. Chalmers's facts, therefore, as he states them, and still affirm that they have no substantial weight in sustaining his inference.

In short, if there is any one general fact in the colonial history susceptible of absolute demonstration, it is that the colonists at no time and in no part of the continent acted with a direct view to independence, or even meditated schemes for such action, till very near the first conflict of arms which opened the war of the Revolution. To argue otherwise would be to pervert the uniform tenor of history, and to impeach the veracity and honesty of all the distinguished patriots who controlled public events, and who always repelled the charge of disloyalty as the slander of their enemies. Even after the Stamp Act, the proceedings of every colonial assembly, of conventions and committees, and of the first Continental Congress itself, are equally conclusive on this point.

That the colonists were on all occasions ready to resist encroachments upon their rights, and that in this resistance they sometimes overstepped the line of strict subordination, need not be denied. They possessed the common nature of men, they loved freedom and self-government, and they endeavored to strengthen their power, within constitutional limits, by such means as they could command; but they went no further; and it may safely be said, in the language of Mr. Jay, that "the country was prompt-

ed and impelled to independence by necessity, and not by choice."

It may be proper to remark, that, for the convenience of readers and facility of reference, the divisions of the author have been numbered as books and chapters, and the contents of the several chapters have been prefixed.

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BOOK FIRST.

REIGN OF JAMES THE FIRST.

1603 — 1625.

VOL. I.

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BOOK FIRST.

REIGN OF JAMES THE FIRST.

1603—1625.

CHAPTER I.

VIRGINIA.—Introduction.—Grants by the King to two Companies proposing to plant Virginia.—First Settlement there.—Discord and Sufferings.—Martial Law.—Farms assigned to Freemen conditionally, afterwards unconditionally.—Maize cultivated.—Tobacco introduced.—The Governor exercises sole Legislative Power.—The Servitude of the Colonists.—First Assembly.—Restraint on Martial Law.—The King's Legislation in regard to Tobacco.—Freedom of Trade.—Negroes.—Restraint on the Use of Tobacco.—Complaints against the Farmers of the Customs.—First Attention of Parliament to the Colony.—Tobacco shipped to the Low Countries.—Exports from the Colonies to Foreign Parts, to be first landed in England and the Duties paid there.—The Council of State and the Assembly established.—Their several Powers and Restraints.—Extensive Immigration.—The Company to monopolize the Importation to England and the King to share the Profits.—Extension of the Settlements.—Indian Massacre of the Planters.—Commission to Inquire into Colonial Affairs.—The King suppresses the Company.—First Laws on Record in the Colony.—The Governor not to impose Taxes without Consent of the Assembly.—Arrival of the Royal Commissioners, Harvey and his Associates.—Monopoly of the Trade in Tobacco.—None to be imported into England but in British Ships.—Royal Government established in the Colony.—Recapitulation.

WHETHER the famous achievement of Columbus introduced the greatest good or evil, by discovering a

new world to the old, has in every succeeding age offered a subject for disputation.

While Spain conquered empires, it was remarked of her policy, that she did not by her enterprises add one man to her subjects; that, though she destroyed thousands by digging appropriated mines, she became not richer; and, though she acquired celebrity by her exploits, she at the same time attracted the envy of mankind, its usual concomitant. She did not therefore long enjoy, without disturbance, what her good fortune no less than her adventurous spirit had won by sacrificing humanity to conquest. Portugal disputed her pretensions to discovery, because the Portuguese had previously explored regions, which, during the reign of ignorance, were supposed to be the same. England sent Cabot northward to search for another Mexico, without success. France despatched Verrazzano to try if a new Peru could be found, but to no purpose. And, when ages had elapsed without finding the object of their hopes and of their trials, every nation endeavored to gain a part of the Spanish opulence, either by force or fraud. America then indeed poured her treasures in copious streams into Europe. Industry was at length roused, commerce was extended, and manners were polished; but amid these felicities luxury revived, contest commenced, and, while warfare disturbed universal repose, it dissipated the riches, which, at the cost of every hazard, it had been the favorite passion of all to acquire.

In the progress of events men naturally became dissatisfied with fraud that was sometimes unsuccessful, and tired of hostility which was often dangerous. And peaceful projects of fishery, of traffic, and of colonization, succeeded to the predatory adventures of the smuggler and the bucanier. Animated by that char-

acteristic prejudice of mankind, which prefers what is more distant to what is more near, the English sailed to the American coasts to catch the same species of fish that swarmed along their own; they sought with avidity for foreign peltry without inquiring whether their domestic woolfels did not admit of melioration; and they employed that wealth to people distant deserts, which, by spreading improvement over internal wastes, would have invigorated the principle of native population.

When Cecil had tried in vain all his father's arts, to procure from Spain by the treaty of 1604 a permission to trade with the Indies; when the subjects of James the First were now no more allowed to fight for the independence of the united states of Netherland, the restless turned their ardor into the channel of colonization. Yet the prudent did not allow themselves to be hurried down the stream without remonstrance. The sagacious could not perceive the advantages which were to result to England by the exportation of her sons; because they foresaw "that the charge would be great, the business long, and the gains nothing." In order to remove objections, whose plausibility demanded confutation, it was confidently pleaded, "that Virginia was large and commendable every way, inhabited by a people, ~~savage~~ ^{barbarous} indeed, yet gentle; that the climate was wholesome, and, though much warmer than England, was very agreeable to our nature; that the mountains made a sensible proffer of hidden treasures never yet searched for; that, by the forming of a colony, we should advance the kingdom of God, we should enlarge our dominions, and multiply our subjects; and such a strength of shipping might be thence maintained as to furnish our own various wants and

the wants of other nations too."* If representations, whose fallacy experience soon detected, did not remove the scruples of the few, they at least inflamed the passions of the many; and every order in the state, the peer and the peeress, the gentleman and his dame, the merchant and mechanic, all engaged in forming settlements in the western hemisphere with a zeal almost equal to that of their ardent fathers, when they hastened to the East to purchase supposed salvation, by rescuing the holy city.

Animated however by such motives, or pleased with novelty, James the First entered with kindred ardor into the designs of his people. He granted, in 1606, to two companies, who each proposed to plant Virginia, that immense region, stretching from the thirty-third to the forty-sixth degree of latitude; he gave them the management of colonial affairs, with authority to rule the emigrants; and he condescended, because he delighted in executing the difficult task of lawgiver, to deliver to the planters, who were still to be regarded as subjects, instructions, full of salutary advice and useful regulation. When the present concessions were found to be inadequate, because the project was new, he granted, in 1609 and in 1611, additional charters and other laws. Hence, the most ancient colonists were placed under the regimen of a threefold jurisdiction; they were subjected equally to the personal power of their sovereign, to the distant regulation of a commercial company, to the immediate government of a president and council, without tasting the pleasures of suffrage or enjoying the importance of self-legislation.

Careless whither they were going, yet animated by

* Those extracts may be found in a pamphlet, entitled, "Most excellent Fruits by planting in Virginia," which was published in 1609, two years only after the original settlement, in order to awaken attention and to urge perseverance.

hope, a small emigration, composed, says Smith, of "poor gentlemen, tradesmen, serving-men, and libertines," soon departed for Virginia, in order to prosecute such adventures as chance might direct. What sagacity might have foreseen and prevented was discovered by experience, the moment that the emigrants entered the wilderness, which the aborigines had hitherto possessed without invasion. Settled in 1607, like the founders of Rome, without the society of women, on the uncultivated banks of a river, the colonists encountered the various embarrassments of a situation, that no man will envy who values health or ease. Without regarding the provident instructions of their sovereign, they provoked with their habitual license the enmity of the natives, who felt the resentments of untutored men, rather than cultivated their kindness, which would have freed them from danger while they were yet weak. Discord soon enfeebled the authority of the rulers, Wingfield, Gosnold, and Smith, Newport, Ratcliffe, and Martin; and the sedition and disobedience, that consequentially followed, entailed innumerable ills on the governed. Having no engaging object, the settlers quarrelled with each other, since they had no empires to subdue. Famine, disease, and death filled the cup of misery; and amid their distractions the survivors would have abandoned the colony but for the prudent vigor of Smith, whose desert was great as a chief commander, whose services were yet greater as a discoverer of the internal country and the trackless Chesapeake.

Of those disasters the company heard in England with regret; but they were fired with indignation when they learned by a letter transmitted to Lord Salisbury, the Secretary of State, that the planters intended to divide the country among themselves without their consent.

Had the colonists attempted, what seems extremely improbable, to appropriate the land from which they were then anxious to fly, redress was in those days obvious, and was indeed proposed; "to leave them in Virginia, without support, as banished men." With a threat which was then attended with horror, the company sent them instructions to explore the western wilderness, that they might gain intelligence of the South Sea; to transmit a lump of gold as a token of success; to find one of the long-lost adventurers of Raleigh, that they might profit from his information. Inquiries, which show the motives of the times, were made then, as happily for England they have always been, without success. And the company learned from continued disappointment, what wise men had foretold, "that they who plant colonies must be endowed with great patience."

Invigorated at length by the arrival of successive emigrations, and awakened from Spanish dreams of the precious metals, the planters turned their attention to more important objects. They endeavored with feeble efforts, because they were yet weak, to open the bosom of the circumjacent forest; they prepared the timber for the various uses of the builder and the cooper; and they began to procure, by planting, the Indian corn, which they had hitherto meanly obtained of the surrounding tribes by traffic. But they who toil without a special interest will seldom labor much. The president and council were induced by their idleness to enforce that energy which arises in formed communities from self-love, by establishing it as a fundamental law of the colony, "that he who will not work shall not eat." As the spark of industry began to kindle, settlements were pushed forward along either bank of James River. Yet little could be expected

from the exertions of men, who were driven rather by the dread of evil than urged by expectation of reward; obedience could scarcely be required, when the rulers disputed who should command; and no attention was paid to the prejudices of the aborigines, who were supposed not to enjoy a right, since they spoke a dissimilar language. Anarchy soon brought with it its usual miseries. By the native Virginians the colonists were attacked, with the energy of a people who defended their country against intruders, who had thus been provoked without a cause. Folly wasted the provisions, which prudence had gathered with difficulty, which in that solitary situation could not be easily replaced. And a consuming famine ensued, with all its horrors, that was long remembered in Virginia as "the starving time."

On the arrival of a new governor, in May, 1611, who was invested with extraordinary powers because he was sent to correct singular abuses, the emigrants were placed under the polity of martial law, in order to punish recent delinquency and to prevent future disobedience. Too narrow to find place for counties, the settlement was now divided into hundreds; to each of which was assigned a captain, to direct with the spirit of a modern overseer the employment of the planters and to chastise inattention. That such a remedy should have been adopted only demonstrates that the distempers of the colony had been considered in England as mortal. And Dale, whose administration is remarkable no less for wisdom than for energy, removed not long after the chief cause of former misfortunes, by giving, though with a sparing hand, some reward to diligence. The royal instruction, which, considering the emigration as a great family, had directed that the product of universal labor should be

placed in a common magazine for general subsistence, having only promoted idleness, was at length prudently relaxed. He assigned to every freeman, in 1613, a farm of three acres, on condition that they labored annually three months for the company to whom they owed their transportation, and paid them three bushels of Indian corn in lieu of every claim. And though the moderation of those concessions appears ridiculous, when compared with the extravagance of subsequent times, though the farmers were only tenants at will, since they enjoyed none of the gratifications of ownership, "those regulations gave the colonists, as we are assured, much content." Relieved from real servitude, though they were subjected by the policy of Dale to the rigors of martial law, they were awhile happy, because in all change there is pleasure.

The ruins of time have left us no monuments by which we can mark the introduction of property, or trace the progress of freedom, in the nations of the ancient world. But with regard to the communities of the western hemisphere, which having derived their recent existence from the adventures of a learned people, whose archives have preserved their charters and their laws, research may easily be pursued and curiosity gratified. If we look into the Virginian annals, we shall find the year 1615 remarkable for the establishment of a fixed possession of the soil, descendible to the heirs of the occupier, so flattering, because he thinks what he enjoys is forever his own. It was in order to encourage emigration that fifty acres of land were now granted by the company to every freeman in absolute right. It was with design to induce them to remain in their new habitations, that they sent them not long after virtuous women for wives. And, having now acquired the two objects which all men wish for

the most, the Virginians directed all their pursuits with unusual animation. The maize, which they had meanly derived from a traffic with the Indians, was now procured in abundance from the labors of the plough, the importance of which was discovered the moment the planters derived a profit from them. In the subsequent year tobacco was introduced, so renowned by the Spanish physicians as a specific for every disease, so celebrated for having James the First for its antagonist, who opposed what soon formed the staple of Virginia no less by his proclamations as a monarch than by his pen as a scholar. Yet the planters ere long became unhappy, because enjoyment does not always gratify. Martial law, made necessary by former turbulence, "had become the common custom of the country." Brewster, a person of consideration, was tried, in 1618, for contemptuous words spoken of the commander-in-chief, and condemned to die. But he carried the first appeal to England, from this severe sentence, to the company, who humanely reversed the judgment of the court-martial. During those sad days of slavery, the governor exercised sole legislative power; prescribing ecclesiastical rules, regulating domestic commerce, and directing modes of life. Subjected to such a legislature and to such a common law, the Virginians could boast little of their ancient freedom. Governed as a conquered people, they enjoyed none of the invaluable rights which Englishmen may claim; and ruled at the same time by the orders of their prince, by the ordinances of a corporation within the realm, by the edicts of an arbitrary ruler, they neither exerted nor claimed exclusive jurisdiction.

At this degrading period of their story, the first assembly was convened, in June, 1619. And, composed of the governor, the council, and of delegates chosen

by the hundreds, who having, like the most ancient legislators of every society, convened in one apartment, "they debated all matters thought expedient for the colony." The result of their legislative talents does not remain for the instruction of posterity. Thankful to the company for the important change of allowing the planters to participate in the government of themselves, the assembly begged that body "to reduce into a compendious form, with his majesty's approbation, the laws of England proper for Virginia." If martial law was not abolished, it was restrained within the limits prescribed by the royal instructions, and justice was thenceforth distributed nearly in the English mode. The colonists determined to perpetuate the plantation, which was at length endeared to them by the recollection of their sorrows. And thus was given for the first time to the settlers a local legislature and a regular administration of right.

But an unexpected scene of troubles soon after opened. Having imported, in 1619, twenty thousand pounds of tobacco, the whole crop of the preceding year, the company experienced vexations enough, when they hoped to derive advantage from their expensive project, no less from the political irregularities of James the First than from the rapacity of the farmers of the customs. The revenue officers, with the unsettled irregularity of the times, demanded exorbitant taxes, since the chartered term of exemption had expired by effluxion of time. Month after month that monarch issued edicts to regulate the commerce of what he regarded as "a pernicious weed," either as he was urged by his antipathies or his poverty, though he was checked by a resolution of the Commons, because he presumed to practise that now which Elizabeth had exercised without obstruction. The mind is always

gratified by tracing a progress. At the end of seventy years there were annually imported 15,030,135 *lbs.* of tobacco, from which other statesmen had learned to derive a revenue of £104,375. 7-41-

Measures so characteristic of the age, so adverse to the commercial spirit, probably paved the way for the introduction of freedom of trade into Virginia. Prior to the year 1620, the company had enjoyed under their charters a monopoly of the colonial commerce; under it consignments had been made to their factor, who alone sold the manufactures of Europe and transmitted in return the products of the plantation. But late oppressions taught them to depart from the original system, to relinquish what had depressed the colony without yielding them profit. The Dutch soon discovered where without risk gain was to be made, and the men, who were still fighting for independence, sold the first negroes to the Virginians, who, though scarcely emerged from slavery, reduced fellow-men to bondage. With commercial freedom was introduced personal servitude and a degrading domination, begot on indolence, pride, and refractoriness.

A Parliament, composed of the profoundest statesmen to be found in the annals of England, assembled in January, 1620-1. "The decay of money" immediately engaged their deliberations, because they were animated with the temper so natural to man of always deploring the present. It was remarked that Spain had been the fountain of treasure, which was now dried up, since returns had been lately made in tobacco. It was proposed to divert this unprofitable current, by causing it to flow from Virginia and the Somers Isles. "For," said the Parliament men, "we shall enrich those countries under our dominion, and England will be better stored with money, when we

take our returns in bullion from Spain." It was in vain for the aged to urge, with the prejudice so agreeable to the old, "that tobacco should be wholly banished the kingdom; otherwise it will ruin one hundred thousand men, since it is now so common that ploughmen take it while they are at plough." But the more temperate replied, "that, if all is banished, then the four thousand men now in Virginia will perish, they having yet no other commodity." With the usual predilection for compromise, because in the middle wisdom is supposed to reside, the House resolved "that all foreign tobacco shall be excluded, but that of Virginia shall not be held foreign." And "an act for restraint of the inordinate use of tobacco" was passed, regulating the importation and the subsequent sale either by the hogshead or the pipe; which, however, was not approved by the legislature, because the proposal was new.

The company, the planters, the merchants complained to the Commons, of "the barbarous usages" of the farmers of the customs. But, though a committee was appointed "to consider how to relieve them, with power to send for the patentees and patents," no redress was given. The Commons had not yet acquired their due weight in the scale of the constitution, because they granted little. A prince, learned and profuse, derided the conduct of those, whom he could not consider as wise, since they were parsimonious; and he disappointed their measures, because he deemed the regulation of tobacco too difficult for men who favored a weed, which he had proscribed as destructive of morals and health. And thus the Parliament for the first time turned their attention to the colony, proposing regulation and redress according to the manners of the age.

Disappointed of remedy from the Commons, and

amused with unsubstantial professions of regard by the prince, the company at length discovered that they might easily evade proclamations which they could not prevent or recall. During the year 1621, they sent their tobacco to Middleburgh and Flushing, whose magistrates grasped at a commerce from which they perceived they should gain the greatest advantage, without any expense or risk. A measure, so contrary to the royal design and profit, provoked "an angry rebuke" from the Privy Council, who regarded "their trade in the Low Countries" as no less contrary to the first principle of colonization than "inconsistent with the honor of the state." An order was therefore issued, in October, 1621, commanding, "that no tobacco or other productions of the colonies shall thenceforth be carried into foreign parts, till they are first landed in England and the custom paid," the Privy Council assigning these memorable reasons; "that the king, weighing the advantages that this crown and state might receive from a well-ordered plantation in Virginia, granted several immunities to the colonists, not doubting but that they would apply themselves to such courses as might most firmly incorporate that plantation into his commonwealth; but to suffer a foreign trade is as inconsistent with the view in planting Virginia as with the honor of the state." Thus the freedom of the colonial commerce was of short duration; and thus October, 1621, became the epoch of the national monopoly, by which the connection between the plantations and foreign countries was cut off, which was gradually adopted as a fundamental principle of the code of every European power, as they acquired transatlantic settlements. Quicksighted necessity soon discovers modes of circumvention. And the prohibition of the preceding year was renewed and even extended in March, 1622. The ordinances of the Privy Council were

transmitted to Virginia, "that the colonists might know how to comport themselves therein." The colonial magistrates were ordered "to publish them in their courts and to look that they be executed." Driven almost to despair by regulations which were felt, because they were sudden, the Virginians transmitted a petition to their sovereign, framed in the declamatory style of complaint. "They besought him, in his princely compassion, either to revoke that proclamation and to restore them to *their ancient liberty*, or to send for them home, that the heathen might not triumph over them."

While the colonists were thus uncertain of their fate, the company endeavored with a liberal spirit to gratify their former desires, by giving them a form of government remarkable for the wisdom of its policy. In July, 1621, they passed an ordinance by which two distinct councils were established. The one, which was denominated the council of state, was to be appointed by the company for the assistance of the governor; the other, which was named the assembly, was to consist of the governor, of the council of state, and of two burgesses to be chosen by every hundred. The assembly was empowered to consult with regard to the public weal, to enact general laws for the colony, reserving to the governor a negative voice; but they were directed to imitate the forms and the laws, the customs and administration of justice, which were used in England. No acts passed by the assembly were to be in force till confirmed by the general court of the company; no ordinance of the general court was to bind the plantation till assented to by the assembly. Thus we trace to a commercial company the source of those free systems of provincial government, that has distinguished the English colonies above all others for their regard to the rights of men. In this famous ordinance we behold the

model from which every future provincial form was copied, though varied by difference of circumstance. Wearied of fruitless expense, the company at the same time adopted a measure that their genuine interest dictated from the beginning. Having been driven from the station of merchants, they hoped at length to derive an advantage from acting as lords of the soil. To every projector, who proposed to emigrate or to facilitate the emigration of others, they transferred Virginian territory in proportion to the extent of their various engagements. Urged by liberal encouragement, and carried away by a passion for change, three thousand five hundred persons left their homes, during the years 1621 and 1622, to enjoy in Virginia the independence which the possession of land every where confers. Few regretted their departure, because so few perceived in their removal present inconvenience or future embarrassment. The commercial disputes between the king and the company were closed by compromise in 1622; by which they were to enjoy a monopoly of the importation, and he was to share the profits. But a twelve month's experience convinced both parties that extravagant contracts are always destructive of themselves; and, though it was afterwards modified, yet they who suffered from this avaricious conflict remarked, that the people found their oppressions no less in the parsimony of the Parliament than in the profusion of the prince, because both passions were carried to extremes.

The arrival of successive emigrations now enabled the planters to extend their settlements over the country on both banks of James River, as caprice prompted or convenience directed. But what is convenient is not always proper. The encouragement given to the present desire for dispersed habitation entailed on the colony present hardship and lasting woes. The aborigines

have at all times beheld the increase of the new comers with a jealousy in proportion as they felt their inability to prevent what they vainly deplored, the original seizure of their country and the subsequent encroachments on their hunting-grounds. Mutual murders had often been committed, which were atoned for on the side of the strangers, but not always forgotten by men, whose resentment admits of no propitiation without bloodshed. And a recent pacification of more than usual solemnity inspired only an unsuspecting confidence. The year 1622 will always be remembered for an inhuman massacre of the planters, executed with the usual cunning and cruelty of the American savage. Three hundred and forty persons of all ages and both sexes, defenceless and unresisting, were killed in one day, almost at the same hour. A war of great embarrassment, but of no celebrity, for some time raged. A famine added its horrors to the dangers of hostility. And of the numerous emigrants, who had been sent thither at a prodigious expense, only eighteen hundred survived those complicated miseries. But, animated at length by supplies from England, the colonists pursued their merciless enemies into their fastnesses, compelling them to retire forever from the margin of the rivers, and they in future possessed in security that land which their swords had bravely won. A reciprocal hatred then commenced, which for ages administered every ill to both, till the natives became in the progress of events subjected, and by casualties annihilated.

Tidings of these misfortunes gave spirit to the contests which had long distracted the company. The calamities of Virginia were attributed by the court, who envied their power, to their misconduct or neglect. And a commission was issued, in April, 1623, to inquire into colonial affairs, into the various grievances of which

all complained. With a laudable attention, arms were at the same time delivered from the tower for the use of the planters. And, owing to the humane exertions of the Privy Council, vessels were despatched, loaded with every thing which could alleviate distress. The commissioners executed their inquiry with great diligence and address. And they soon reported, "that the inhabitants who had survived the massacre were in want and in danger, which ought to be attributed to the company here, who had power to direct the plantations there." Encouraged by information, which it had been the chief design of the inquiry to gain, James did not hesitate a moment with regard to the plan he should follow. He resolved to new-model the company, in order to place the government in fewer hands, preserving the rights of individuals. But, determined to defend their rights with a zeal in proportion to the supposed importance of them, the company refused to comply with the royal request, by accepting of a new patent. And a writ of *quo warranto* was therefore issued, in November, 1623, on which judgment was given against them in the subsequent year. The suppression of the corporation by a proceeding at law, or rather by an act of irresistible power, made little impression in those days, though it was composed of persons of the first consequence, because what is familiar is seldom striking. And that measure, unjust, though necessary, has been attributed, either by ignorance or by the prevailing propensity to load the memory of Charles the First with obloquy, to the tyranny of his reign. Having at length found leisure for reflection, the adventurers probably discovered that there was some truth in the objection originally opposed to their undertaking, "that the charge would be great, the business long, and the gains nothing."

Though the colonists had driven the Indians in the mean time from their settlements, they were not happy, because they were aggrieved. The governor continued to exercise the power of taxation for some time after he had ceased to legislate, notwithstanding the late ordinance of the company, which with regard to this important privilege was silent, though it formed the foundation of their government. War generally entails expense; and men never fail to complain of burdens when they are no longer apprehensive of danger, even when duties are imposed by lawful authority. And an assembly was therefore convened, in February, 1624. The former proclamations of the governors and councils, that had for years formed the chief rules of action, were now enacted into laws, which are the most ancient legislative acts remaining upon record in the province. It was declared, "that the governor should no more impose taxes on the colonists without the consent of the assembly; that he should not withdraw the inhabitants from their private labor to any service of his." The burgesses, envying the privileges of the counsellors, for the first time insisted, "that they also should be free from arrests during the sitting of assemblies." While this convention was thus engaged in that most perplexing of contests, there arrived the royal commissioners, Harvey and his associates, who had been sent in the preceding year to inquire into the state of the settlements. But every inquisition is regarded with jealousy. And they were unable to obtain, what seems to have been the chief object of their voyage, "a declaration of the assembly's willingness to submit to the royal purpose of revoking the charters." Though few could be found to concur in oppressing the company, whose servants they had been, yet all agreed in expressing their thankfulness

to the king for taking Virginia into his special care. And the assembly asked for favors, though they showed no inclination to grant any. They "besought his majesty to confirm the then form of government, to grant to the colonies the sole importation of tobacco, and, should he send the promised aid of soldiers, to allow the assembly a vote in the disposal of them, since none could so well direct their operations as those so perfectly acquainted with the country."

While the assembly thus paved the way to extension of privileges, to the enjoyment of power, the Parliament met, in February, 1624; who, composed almost of the same members as the last, adopted similar measures. While the blow was yet suspended over them, the corporation of Virginia presented a petition to the Commons, "praying them to consider the distressed colony and oppressed company." But, though at first favorably received, it was withdrawn the moment the speaker announced the king's disapprobation. Though they were thus frightened from their purpose by the dictates of a tameness of spirit, which now appears so unworthy of their station; the Commons petitioned their sovereign "to banish all tobacco not of the growth of his majesty's dominions." And in his turn he not long after complied with their request, and with the prayers of the planters, because they both agreed with the advice of his ministers, though on a condition which does honor to his wisdom, "that none should be imported but in ships belonging to his subjects." Having received from his agents the most exact information, he applied with more than usual diligence to rebuild the structure of colonial polity which he had thus overturned. In June, 1624, he appointed a committee of the Privy Council, "to order the government of the colonies." It was soon discovered, that a local adminis-

tration within the colony was equally necessary with this new board of superintendence within the realm. And in August, 1624, he granted a commission, nominating a governor and council during pleasure; authorizing them to rule Virginia and to punish the planters, though without stipulating whether by the certainties of law or by the irregularities of will; though without mentioning or intending an assembly, because he thought "so popular a course" the chief cause of recent evils. And thus was a royal government for the first time established in that most ancient dominion.

The dissolution of the commercial association, which had thus formed the plantation of Virginia at the enormous expense of one hundred and fifty thousand pounds of the money of that age, was for some time deplored as if the existence of the colonists depended on the cancellation of its charters. They did not estimate the cause of their embarrassments or prosperity, so much by their own inductions, or the experience of others, as by their motives of enmity or regard. It was not immediately perceived, that it was to the singular systems, under which they had been successively placed, they ought to have attributed the misfortunes of the foregoing period. It is by tracing minutely the progress of their story from the epoch of their appearance alone on the banks of James River that this important truth can be fully discerned. Placed under a threefold legislation, distinct and uncontrollable; of their sovereign, of a commercial company, of a president and council; what happiness could the original settlers enjoy, or what energy could they exert! The turbulence and the idleness, which resulted partly from character, but more from situation, introduced martial law; they were commanded by a general and directed

by inferior officers ; and, like soldiers in camp, they were fed by the hand of a commissary from a common magazine. By a relaxation of discipline they were at length allowed to possess exclusively what they had acquired by labor ; to enjoy forever the lands which they derived from an extension of a policy, that was found so convenient to the governors and the governed. The introduction of property invited commerce. The attentions of interest incited the claims of ownership, which ended in the perplexities of dispute. Pretending to no innate rights as a community, the planters, at the end of twelve years of wretchedness, gratefully accepted from strangers and fellow subjects the privilege of a vote in the government of themselves, though their rules were still subject to dissent and their determinations to revision. And, having finally sent their delegates to a convention, which took the name of "assembly," they acquired themselves new protectors, while their representatives claimed additional powers. But, freed from the obstructions of complicated forms by recent change, their government became more simple, and they thenceforth therefore prospered. Though the nation had hitherto derived little gain from her colonies, the passion of the English for the acquisition of distant dominion continued, without enjoying the benefits of present advantage, or foreseeing the inconvenience of future encumbrance, in raising up in the local assembly rivals to the national Parliament.

CHAPTER II.

NEW ENGLAND.—Explored by Captain John Smith and named.—Charter from James the First.—Opposition to it.—Bill in Parliament in regard to fishing on the Coast.—Settlement of Plymouth.—Legislation at Plymouth.—Poverty and Commercial Operations.—Sufferings.—Number of English Colonists at the Death of James the First.—Remarks on him and his Colonial Administration.

WHILE the events before mentioned occurred, several attempts had been made to plant Northern Virginia, by a similar company, without success, because the dispensations of nature opposed them. More accurately surveyed by Smith, during the year 1614, that coast, extending from Cape Cod to Penobscot, was for the first time denominated New England, by the prince to whose conduct it owed its settlement. But the adventurers prosecuted, though not without the interruptions of different interests, the trade of furs and of fish, since it was found to be gainful. The Northern, as well as the Southern company, claimed the invidious privilege of monopoly, which, without yielding them adequate profit, involved them in perpetual altercation. And they perceived the necessity of procuring an explicit declaration of their rights by a new charter, which, by giving an advantage to the great, might obtain the patronage of the powerful, whilst the law was yet too feeble to protect the injured.

In order partly to advance the Christian religion, but more “to extend the boundaries of his dominions,” James the First granted, in November, 1620, that country on the American continent, stretching from

the 40th to the 48th degree of northern latitude, to the Duke of Lenox, and his associates, composed of the first peers and commoners in the kingdom, in absolute property. And, having formed them into a corporation, similar to that of Virginia, whose privileges had been envied, he empowered them to plant and govern that extensive region, by the name of New England, to exclude every one from trading within their jurisdiction, or fishing in the adjoining seas.

Notwithstanding the greatness of the patentees, "the grand Plymouth charter" was oppugned by the French nation, because it included part of Acadia, which was claimed and occupied by them under a prior grant of Henry the Fourth. It was opposed by the English Parliament, because it excluded English subjects from the freedom of fishery that other nations enjoyed. And the clause of forfeiture, which had been added to enforce submission, was declared to be void, since "it was established by grant and not by act of Parliament." Animated by genuine patriotism, the Commons introduced a bill, during the session of 1621, "for a freer liberty of fishing on the coasts of Virginia, New England, and other parts of America;" which was opposed by the Court, because it was deemed an attack on the prerogative. The arguments of both parties, however inconclusive, are now amusing. The Secretary of State, Calvert, insisted, "that those foreign countries ought to be regarded as the king's, since they were acquired by conquest; being not yet annexed to the crown, his majesty may govern such new plantations as he shall think fit," and he recommended it to the consideration of the House, "whether we shall here make laws for the government of those parts." To these reasonings were opposed such topics as then occurred, and as satisfied the House. It was answered,

"that the royal prerogative is not impeached by the present measure, since what is done here is done by the king himself, who hath a negative; that those territories being holden of the manor of East Greenwich are as much annexed to the crown as it; and we may make laws here for Virginia and New England, because, if the king and lords assent to the act, it will control the patent." Though approved by the Commons, yet the bill was thrown out by the lords, who opposed what was deemed an invasion, not of the rights of distant subjects, but of the prerogative of the prince. The same bill was introduced in 1624 and 1628 with the same success. Yet the strenuous exertions of the Commons established finally the freedom of fishing as well as the practice of legislation, which were now denied them, because their perseverance has generally proved successful. The resolutions of the Parliament seem to have inserted into every subsequent charter an express reservation of the right of English subjects to fish on the American coasts. In modes of government as in modes of life there is a fashion, which exists, disappears, and revives, in continual succession, which finds partisans during its vogue and deriders in its wane. It was little foreseen in those days that the doctrines which were then urged by the minister, which were afterwards completely exploded, would be again brought forward at a future period to perplex the measures of the court.

New England was at length planted by accident, after several expensive efforts had failed. A few fanatics, who, tired of the European world, because it denied to them that toleration which they showed little inclination to allow to others, sailed for Virginia, but were driven by storm on the coast of New England. Here they determined to end a disastrous voyage, since the

approach of winter as well as their distresses forbade farther adventure. But sagacity soon discovered that he, who appears to be animated with the fervors of religion, may at the same time be actuated by the most ardent ambition. In order to call in the restraints of consent to the dictates of piety, the emigrants signed a covenant in November, 1620, which recited their intention to plant a colony for the glory of God and the honor of their king and country ; which professed their loyalty to their sovereign lord, King James ; by which they combined themselves into a body politic, for their better preservation and the making of equal laws. And one hundred and twenty persons soon after landed in the vicinity of Cape Cod, and began a settlement which they called New Plymouth. They chose Carver, who was regarded for his prudence, as governor for one year, and to him they added other officers. They had the good sense to adopt as much of the law of England as they knew and as suited their purpose. When legislation became necessary, the whole freemen assembled and declared their assent to what convenience pointed out ; but, though they appear to have been no very skilful legislators, they established regulations which pleased themselves, if they left no examples to posterity. Living at first under the form of a great family, their common labor was applied to supply their common wants ; and, connected with English merchants, who had enabled them to emigrate, their inconsiderable traffic was for some time carried on for the benefit of both. Of the indigence of individuals, and the poverty of the whole, we may judge from their commercial operations when this mercantile connection had ceased. It was of importance to them to borrow in London, during the year 1626, £150, at the monstrous interest of fifty in the hundred, because the

risk was supposed to be equally great. In the subsequent year they obtained, "with no small trouble and the help of many faithful friends," £200 more, at a reduced premium of thirty in the hundred. And they repaid what had thus been lent them as soon as they were able; "for," said they, "our excessive interest still keeps us low."

Landed on a desert coast when the winter's severities had already commenced, where they found neither habitations nor food, the Brownists soon experienced the miseries of want and of famine, till death administered relief to the unhappy. The survivors, however, encountered complicated disasters with fortitude, because they enjoyed their peculiarities without interruption, and governed themselves without control. They exerted unusual energy, since they were invigorated by the presence of their women and their children, who suffered with them. Yet they did not prosper. An unsociable religion, which cannot easily be described, promoted altercation and excluded emigrants. A barren soil did not reward the labors of the husbandman. But, above all, the pursuits of men were not incited by the enjoyment of exclusive rights, by the consciousness that what each individual acquired was absolutely his. Towards the end of the year 1624, about one hundred and eighty persons inhabited a village, composed of two and thirty dwelling-houses, where there strayed "some cattle and goats, but many swine and poultry." Here during an age they remained, peaceful and unimportant, disturbed only when they reflected, that they had no title to the soil which they occupied. The Plymouth company supplied this want in January, 1630, though they could not confer the powers of government. Though the emigrants had nestled within their jurisdiction, and

therefore seemed bound to obey their ordinances, that corporation never sent them a governor or prescribed for them a law. If that society is sovereign, which governs itself in all things, New Plymouth enjoyed complete independence, from her settlement till her final annexation, by the charter of William, to a neighbor, who soon settled in her vicinity, and acquired by greater dexterity superior power and renown.

When to the numbers of this feeble community are added the eighteen hundred which remained in Virginia of the nine thousand persons who had been sent thither during the foregoing period, the English colonists on the American continent at the demise of James the First will amount to nineteen hundred and eighty. This monarch ought to be regarded as their father. It was his colonizing spirit which gave them existence; it was his subsequent attention, because he thought it would confer celebrity on his reign, which nursed them in their childhood. Yet their posterity have been unjust to his fame, because they judged of the propriety of his measures by the maxims of their own times. His colonial administration partook of that wisdom and impolicy, of that vigor and imbecility, which were the distinguishing characteristics of his rule in England. He governed both according to the maxims of his age, diversified by the peculiarity of temper and the extent of his talents. The wisest lawyers regarded the plantations as territories gained by conquest; and thence inferred, without admitting the distinctions of circumstance, that the king might govern "such newly-acquired countries" by prerogative alone. Viewing them, however, in a somewhat different light, "as the dominions of the crown," the Commons justly claimed the privilege of superintendence and the power of legislation; which were not readily admitted, because the pre-

tensions of each component person of the body politic had been made, but remained undecided. Requiring support from the king during their infancy, the colonies were too feeble to disobey the edicts of prerogative; and, though they talked, even in those days, of "their ancient liberties," while they fled to the Commons for protection, they did not insist on inherent rights, since they had scarcely emerged from bondage. From beginnings so inconsiderable have those plantations grown up, in no long period of years, to a magnitude that was not originally foreseen. Their progress will appear to have been at all times trusted to chance, though English statesmen received successive warnings; and the present generation now feel the consequences.*

* He who wishes to acquire an adequate knowledge of what may be denominated court-law during the reign of James the First, must peruse the writings of Bacon. In the magnificent edition of his works in 4to, 2 v. p. 504, he treats "Of the king's prerogative in matters of trade and traffic." And he assures us, "1st, the king may constrain the person of his subjects not to go out of the realm; 2d, the king may forbid the exportation of any commodities out of the realm; 3d, the king may forbid the importation of any commodities into this realm; 4th, the king may set a reasonable impost upon any foreign wares that come into the realm, and so of native wares that go out of the realm." The law being thus understood by crown lawyers, the colonial charters of that reign were drawn in conformity to their judgment. We now perceive the reason, why there were inserted in every patent "a license to emigrate, a permission to export merchandises, an exemption from imposts during a limited term," and, in the same manner, of similar provisions, which were framed according to the prevailing notions of the times. It is curious to remark, that, it should seem, not only from the passage before cited, but from the argument of Bacon in the House of Commons in support of the same doctrines, there once existed, in the law of England, a principle, perhaps a practice, analogous to the internal and external taxation of the colonial controversy, since he contended that the king might establish an impost on exports and imports, though he admitted that the prerogative could not impose a domestic tax, on lands, or on polls. Even during those days there were individuals who thought the acquisition of American territory disadvantageous to the state. Walker, the learned advocate, who pleaded against the admission of the *post-nati* of Scotland, "objected the inconvenience of uniting the West Indies to the crown, should there be a match with Spain." To this Bacon acutely replied; "as for the naturalizing of the Indies, we can readily help that when the case comes, for we can make an act of Parliament of separation if we like not their consort." [See Bacon's argument in the case of the *post-nati*.]

BOOK SECOND.

REIGN OF CHARLES THE FIRST.

1625 — 1649.

BOOK SECOND.

REIGN OF CHARLES THE FIRST.

1625-1649.

CHAPTER I.

VIRGINIA. — Charles the First assumes the Administration of the Colony. — His Monopoly of the Tobacco Trade. — The Colony is ruled by a Governor and Council. — Contention between the King and Commons. — Administration of Sir John Harvey; — Of Berkeley. — Change in the Government. — The Church of England established. — Exports to be landed in England.

INHERITING the principles and the minister of his father, the young monarch, Charles the First, "thought fit to declare to his subjects and to the world, that he held those territories of Virginia, of the Somers Isles, of New England, to be a part of his royal empire, which he was bound to protect as any other of his dominions; that there should be one uniform course of government through his whole monarchy." Animated by the same maxims of colonial policy, he determined that Virginia should depend immediately upon himself and not upon any corporation; "which may be intrusted with matters of trade, but not with the ordering of the meanest state affairs." Having thus assumed the administration, by the appointment of

various councils subordinate to each other in the colony as well as in England, he resolved at his own charge, "to maintain the public officers and to supply strength of men, munition, and fortifications for its defence." And he promised, what he seems indeed to have performed, "to assure, by any course that should be desired, the particular rights of every planter." But indigence induced him to adopt a measure, which wisdom no less than justice forbade. He established a rigid monopoly of tobacco, which was as yet the sole staple of the settlement, which he proposed to conduct by his agents; assigning as a reason, what was probably consonant to the practice of the times, "that it was agreed on all sides that the tobacco of these plantations cannot be otherwise managed for their good, whereby foreign tobacco may be kept out and that of the colonies yield a certain price to the owners." In prosecution of a project, which few kings or nobles have found to be gainful, every revolving season, for ten years after, produced a royal proclamation, "for preventing the abusive vending of that merchandise; for prohibiting the planting of tobacco in the king's other dominions." And his measures only proved successful in proportion as they were opposed by the interests of merchants and were counteracted by the sentiments of his people.

Actuated by such motives, Charles the First renewed, in May, 1625, his father's former appointment of a governor for Virginia, with a body of counsellors to direct his steps and to legalize the rules, which he might think proper to prescribe. But neither the commission nor the instructions mentioned expressly, or even alluded to, an assembly, nor referred to the law of England as a principle of conduct. Invested thus with legislative power, and authorized to impose taxes, the governor and council ruled the Virginians as a con-

quered people, till towards the commencement of the civil wars, though they did not for some time feel all the pressures, which ought to have necessarily resulted from the singular infelicity of their situation. Subsequently to the dissolution of their charters, their former magistrates continued to govern them, who, in promoting the prosperity of the province, advanced their own good. And, having eluded the edicts that were successively published to restrain their commerce, the colonists acted with the energy of men, who pursue unmolested the suggestions of interest.

Composed nearly of the same members, and directed meanwhile by the same sagacious counsels, the Parliament of 1626 and 1629 travelled over the same path of colonial policy as their predecessors, but with firmer steps. They attempted to make laws for the colonies with as little success, they contended for a free fishery on the American coasts with rather more effect, and they listened to the complaints of the colonists without being able to give them essential redress. The same House of Commons, which compelled the reigning prince to grant the petition of right, passed a bill "for confirmation of the letters patents made by King James to the governor of the Somers Isles;" because they thought the power of taxation could only be given by act of Parliament. Having each shown, by their conduct, what were their real motives of action, Charles the First and the Commons not long after parted, too much offended with each other to meet soon again. They, who separate in dissension, with design neither to concede nor to explain, convene to little purpose.

Sir John Harvey, who had already discharged the trust of a commissioner of inquiry, was sent to govern Virginia, in March, 1629, animated by the instructions and armed with the powers of his predecessor. Histo-

rians, who were not indeed exactly informed, relate, "that he was severe in his extortions, proud in his councils, and arbitrary in his government." Where much clamor is heard there is generally some cause. Actuated by the sentiments of their sovereign, who professed to deprive no planter of his private rights, the lords, intrusted with the management of colonial affairs, directed the governor and council, in 1634, "that interests acquired under the late corporation shall not now be impeached, that the colonists shall enjoy their estates and trades as before the recalling of the patents, that lands shall be disposed of to freemen as was done prior to the year 1625." These salutary orders either did not remove the cause of complaint or they were disobeyed. And the Virginians sent Harvey a prisoner to England, with two deputies to represent their own wrongs and his misconduct. But inquiry found their accusations to have been groundless, at least exaggerated; or wisdom determined, that he, who had been divested of power by improper authority, ought, in good policy, to be again reinstated. And the governor returned, in April, 1637, with a new commission, similar to the old; with a temper to which triumph had taught little moderation. Urged by the reasonings no less than by the pertinacity of the age, the remonstrances of the Virginians became too vehement to be any longer resisted. And, in January, 1639-40, they were freed from the vexation of an obnoxious ruler by the revocation of his powers. Through the gloom, in which that period of their story is peculiarly involved, it is easy to discern, that it was not so much the impropriety of the governor's conduct, as the arbitrariness of his authority, which was successfully opposed. We may thence date the epoch of an overruling principle in the colonial policy of England, "that refractoriness always procures

concession," which has at all times been attended with the most consequential effects.

The commission and instructions now delivered to Berkeley introduced a real change of great importance; because it was deemed prudent "to give due encouragement to that plantation." For the first time it was declared to be the royal intention, "that Virginia should be regulated, as well in ecclesiastical as in temporal government, according to the laws of this realm." The assembly was again restored, which was authorized to make provincial regulations, yet as near as might be to the jurisprudence of England. Justice was now to be administered by the same forms as were then used within the parent state. The Church of England was formally established, in order "to prevent innovation in matters of religion." Domestic economy was regulated. Trade with foreign vessels was forbidden. But, "many ships having carried the commodities of the colony into foreign countries, whereby the king lost his customs, there being nothing answered in Virginia," masters were obliged to enter into bond, before their departure, to bring their ladings to England. Thus the monopoly of the colonial commerce, which was afterwards introduced by an ordinance of the Parliament, in some measure enforced by Cromwell, and finally established by the act of navigation, was at that time created by the good sense of Charles the First, though he wanted indeed what no king of England has ever possessed, power to carry it fully into execution. And the policy, which has been attributed by the vulgar to the object of their admiration, was declared to be, "that the staple of the commodities of the plantations might be made here; that the nation might be benefited, after expending so much upon that settlement, by transporting thither so many subjects." That commis-

sion alone demonstrates how much men's minds had been opened, with regard to government, during that reasoning, busy, and contentious period, from the commencement of the present reign to the meeting of the Parliament in 1641. Berkeley was received with joy by the Virginians, because he brought with him "a constitution to their hearts' content."

CHAPTER II.

NEW ENGLAND.—Grant of Massachusetts Bay.—First Emigration.—Endicott.—Royal Confirmation of the Patent.—Nature of the Government.—Second Emigration.—Church gathered.—Transfer of the Charter to New England.—Emigration in 1630.—State of the Colony.—First Court of Assistants.—Religious Intolerance.—Juries.—First General Court.—Constitution modelled anew.—Freemen choose Assistants and the Assistants a Governor.—Freemen must be Members of the Church.—Extent of the Emigrations.—Deputies claim the Right to Vote for all the Freemen.—The Representatives separate from the Governor and Council.—First Code of Laws.—Roger Williams.—Emigration to Connecticut.—New Haven Colony.—Synod of Churches.—Mrs. Hutchinson.—Rhode Island.—Commission for regulating the Plantations.—Resignation of the Plymouth Charter.—Charles the First assumes the Government of New England.—Sir Ferdinand Gorges Governor-General.—Restoration of the Letters Patent demanded.—Distinction between the Emigrants of 1620 and 1630.

MEANWHILE a new race of men appeared in America, whose peculiar principles will be found, when traced through all their various effects, to have entailed on the colonies numberless woes, on the parent country the most perplexing embarrassments.

The example of the Brownists of New Plymouth, whose persevering diligence had conquered difficulties, inflamed the spirit of adventure, by teaching men to despise disease and death, when they propagated their tenets or sought for gain. And zealots associated to plant the gospel in New England, at a time when many minds were filled with religious fury or political puritanism. Having determined to transfer to others what they could not plant themselves, the great Plymouth company granted a considerable tract of that country,

which they had been unable to people, in which they could not even possess their envied monopoly, because they had found the fishers sturdy men when invigorated by the support of Parliament. And, in March, 1627-8, they readily conveyed to Rosewell and his associates an extensive territory lying around Massachusetts Bay, with such powers of government as they could communicate to others. Urged by their zeal, this association soon detached Endicott thither as their agent with a few planters and servants, in order to form a settlement, which acquired its name from the arm of the sea whereon it was placed; "where non-conformists might enjoy the liberty of their own persuasion."

Endicott, whose enthusiasm qualified him for their purpose, founded Salem, the most ancient town of Massachusetts, in September, 1628. He sent proper persons to acquire some knowledge of the surrounding wilderness. And he marched himself to a neighboring plantation, which Morton had long possessed under a prior patent, where he performed the first exploit for the propagation of his principles. He prostrated the only may-pole that has ever exhilarated New England, because it had scandalized his followers, who regarded gayety as sinful. Nor did he stop to inquire by what right he could thus invade the amusement of men, who owed him no obedience, since they, who set out professedly to propagate modes of faith, are seldom regardless of the means. Yet his attendants were not exempted from the common lot of humanity. They encountered the hardships that had disconcerted former adventurers, they were afflicted with similar distempers, till death put an end to their trials, in a manner nearly alike.

Meanwhile the association discovered that they had engaged in an arduous undertaking, which required

great present expense, unattended with immediate advantage. It was not easy to procure the aid of wealthier men, who doubted whether the company possessed, from the grant of a corporation, adequate powers of government. And the original proprietors obtained, therefore, through the friendly solicitation of Lord Dorchester, the royal confirmation of their patent, though the reigning prince had lately declared to the world, "that such a company ought not to be intrusted with the management of state affairs, be they of never so mean a consequence." In March, 1628-9, that monarch confirmed, however, the grant of the prior year. He incorporated Rosewell and his associates, "for the purpose of disposing of the territory and governing the people there." He empowered them to transport such subjects and others as should not be restrained, who were, notwithstanding their emigration, to be regarded as his native people. The sovereign, who, according to the practice of the preceding reign, had exercised taxation, exempted the company and the colonists from imposts for a limited term. The general court, to be composed of the governor, assistants, and freemen, of the company, were authorized to make ordinances for the colony, provided they were consistent with the laws of England. And, by a general clause, he conferred the usual powers granted to other corporations within the realm. Though the professed design of the adventurers was "to propagate the gospel," by forming an asylum for non-conformists, all mention of religion was studiously avoided, because it was contrary to the temper of the age to grant liberty of conscience; and, when he required "that the oath of supremacy should be administered to every emigrant," he contradicted their avowed principles, since they no more admitted the

ecclesiastical authority of the king than they regarded the infallibility of the pope.

- Defective as the royal charter was, when considered as a provincial system, it is curious to trace how much dexterity extracted from it. Inapplicable as it was to the design of those who procured it, the corporation proceeded with the greatest alacrity to execute its powers. They detached a small colony, with every requisite for a voyage of length and for a settlement of permanence. In April, 1729, the general court established the most ancient local government of Massachusetts, investing the administration in a president and council of thirteen, whose members were to be chosen, seven by the corporation, three by the governor and council, and two by the planters. Endicott was appointed the first chief ruler. The president and council were empowered to prescribe rules of action for the colonists, regarding the laws of England as their chief pattern. Thus the settlers were subjected to a threefold legislation, — to the ordinances of a corporation within the realm; to the rules of an internal government, over which they possessed little influence; and to the edicts of their sovereign, which were however as little regarded then, as they have been in every subsequent reign, since they could not be enforced.

The second emigration found Salem to consist of a few miserable hovels, inhabited by a colony of one hundred persons, who had yet been unable to procure themselves food. Both parties expressed, at meeting, as much joy as foes to mirth can show; the first planters, because supplies were arrived; the new, that they had met on a desert shore associates in the same cause. Having traversed an ocean to propagate what they deemed the gospel, they soon appointed a day "for the establishment of church order and discipline." In

August, 1629, they established a religious society, by entering into a characteristic covenant, and signing a peculiar profession of faith, which formed the seed-plot of the independent churches of New England. And now the men, who satisfied the scrupulous discretion of the elders, with regard to sobriety of conversation and orthodoxy of belief, were admitted to fellowship. None of the emigrants had taken the oath of supremacy before their departure, which the charter had cautiously required; which was at present forgotten by all, when its efficacy had been of real use. Nor was the royal consent applied for, when it was the most necessary. The colonists had a right to freedom of thought and of action, no less from nature and Christianity than from the common law of their fathers, which enforced both; but neither gave them a privilege to persecute. Yet, reflecting on what they had suffered from her oppressions, the fanatics gave a stab to the Church of England, which she never recovered, since her chiefs were expelled by Endicott, who feared for the fate of uniformity when he saw them establish a separate society on principles that he thought destructive of his own. Neither liberality of sentiment nor moderation of conduct was indeed to have been expected from either party, because it was an age of much less charity than zeal.

While the non-conformists thus promoted conformity by persecution, because they had themselves been persecuted, one of the most singular events to be met with in history occurred in England. At the general court of July, 1629, Cradock, the first governor, proposed, "for the advancing of the plantation, for the inducing of persons of worth and quality to transport themselves thither, and for other weighty reasons, to transfer the government to those who shall inhabit there; and to continue no longer the same subordinate to the com-

pany here." Extraordinary proposals naturally occasioned debate. And the conclusion was deferred to the next meeting, though it was now agreed "to carry the matter secret in the mean time, that it be not divulged." The principal leaders, Winthrop, Dudley, Saltonstall, who enjoyed affluence in their native land, but who feared more than they suffered, associated not long after "to pass the seas and inhabit New England, provided the patent be first legally transferred to remain in the plantation." When the general court assembled it was easily resolved, because predetermination avoids difficulties, "that the government of the colony be transferred to New England." And they executed their purpose with a vigor prompted by their zeal, and with a success gained by their prudence. But those transactions, no less irregular in themselves than inconsistent with the interests of England, were still kept secret, that no measures might be taken to prevent the removal of the corporation beyond the ordinary reach of law. The company held their last general court on board their fleet, on the 23d of March, 1629-30. And their last act was "to send an humble request to the rest of their brethren of the Church of England, for the obtaining of their prayers, and the preventing of misconstructions."

But, though this manifesto, which was drawn with their usual art, was published the moment they had sailed, it did not obstruct the views of the sagacious, who saw their true designs. Suspicion is ever watchful. Men of discernment remarked, "that religion is the cloak of this work, but under it is secretly harbored faction and separation; ill-affected minds, who, under the pretence of planting a colony, mean to draw themselves apart, and, by removing, free themselves from our government." In order, however, to blunt the force "of scandalous reports, as if they intended, by their emi-

gration, to erect a seminary of faction and separation," their professed apologist replied; "It may justly be admired what the cause should be, that men of contrary minds should so strangely concur in the jealousies and dislikes of this work, neither opposing the former colonies which drew away two for one of those who are yet passed over to New England, unless it be that the best works find commonly the worst entertainment among men." * He, however, who opposes general reasonings to acknowledged facts, seldom procures conviction; he, who attempts to overthrow suspicions founded on truth, will generally write without gaining his end. And thus, by removing the corporation from its ancient site, the foundations of independence were laid with an artificial hand on the broad basis of exemption from control.

Dissatisfied with their present condition, because, hurried away by their ardor, they expected every thing from change, fifteen hundred persons emigrated to Massachusetts, during the year 1630, under the conduct of Winthrop, who were provided with all that they must carry with them who purpose to plant a wilderness. "They found," says Smith, who lived at the time and knew their story, "fourscore of those who had gone before them dead, the rest sick, nothing done, but every one complaining, and all things so contrary to their expectations, that now every monstrous humor began to show itself. This trial of their patience caused among them no small confusion, and put the governor and his council to their utmost wits. Some could not endure the name of a bishop, others not the sight of a cross or surplice, others by no means the book of

* We meet with those remarkable anecdotes, which show the objections of the age, in a pamphlet published in 1630, "for the satisfaction of those who questioned the lawfulness of the action," entitled "The Planters' Plea."

common prayer. This absolute crew of the elect, holding all but themselves reprobates, now make more haste to return to Babel, as they term England, than to enjoy the land they called Canaan. Those he found Brownists he let go for New Plymouth, two hundred he was content to return to England." The emigrants assumed naturally the familiar regimen of a great family, which little religious societies are so prone to adopt, rather than the chartered form of a corporation, that they had so lately contemned. Suspicion of incontinence in wives and levity in husbands, slander and idleness, stubbornness and contempt of magistracy, all were corrected by the governor, as the patriarch had anciently punished his domestics. Men of that age, who did not favor their principles, but who had observed their policy, foretold what experience has now determined to have been well founded; "that the air of New England and the diet, equal if not excelling that of Old England, besides their honor of marriage, and careful preventing and punishing of furtive congression, give them and us no small hope of their multitude of subjects and future puissance." Yet, though the town of Boston was founded soon after their arrival, it had only been reared to the state of a petty village at the end of eight years, notwithstanding it had become their métropolis in opposition to Salem.

The first court of assistants, which enjoyed from the charter executive and judicial power, and assumed now the legislative, assembled in August, 1630. Their first ordinance showed what was their first object, by declaring that houses should be built for ministers at the public expense. They turned their next attention to the providing of habitations, and they regulated the price of labor. The governor, deputy-governor, and four of the assistants were empowered to reform abuses by cor-

recting misdemeanors. But, on those who avowed dissimilar sentiments in religion, punishments were inflicted, which enthusiasm could alone dictate or approve. They transported Sir Christopher Gardner to England, because he was accompanied in his retreat by a comely woman, and was said to be a papist. They expelled Morton, who was a poet and a wit,* after burning his house, because he was supposed to have taken a canoe from the Indians, who were thus courted though not feared. Yet none could claim a trial by jury till 1634, when it was introduced by positive ordinance, since the common law of England was supposed to be inapplicable to a chosen people. Grand-juries were established in the same manner during the subsequent year, as with the increase of population crimes began to multiply. And thus experience demonstrated what indeed had been foretold, that, as causes produce in the physical world their correspondent effects, real principle never fails to beget in the political system its consequential action; that they, who within the realm opposed the Church of England, when subject to her coercion, would naturally neglect her ceremonies when placed beyond the ocean; that they, who did not admit the supremacy of their prince prior to their emigration, would in their new situation certainly disregard his authority; that they, who despised human learning as inefficacious, would consequently prefer the Jewish jurisprudence to the approved customs of their fathers.

* Disappointed of redress from the sovereign whom he loved, Morton endeavored to do justice to himself. He printed at Amsterdam, in 1637, "New-English Canaan, containing an Abstract of New England;" a narrative of 188 pages, conceived with considerable judgment, and executed with unusual elegance, in which he ridiculed "the Separatists" with unappeasable severity. He took notice of a circumstance which has at all times continued; "how divers persons, not so well affected to the public weal as out of respect to their own private ends, have labored to keep both the practice of the people there, and the real worth of that eminent country, concealed from public knowledge."

The first general court, composed as the charter required, of the governor, the assistants, and of the whole freemen of the corporation, met in October, 1630. As if they had been an independent people, their first act was to new-model their constitution, by declaring, that in future the freemen should choose the assistants, who might appoint the governor from their own body; by empowering the assistants to make laws and to nominate officers. But an innovation so contrary to the charter, so inconsistent with popular power, did not long continue. Having extended their views with their augmentation of numbers, the freemen declared, in the subsequent year, "that they alone had a right to elect the governor and assistants." With the same spirit of change they enacted, what has at all times greatly influenced their affairs, "that none should be admitted to the freedom of the body politic, or enjoy the right of suffrage, or act as a magistrate, but church-members." Their enthusiastic ministers having the right to approve the orthodoxy of principle and the regularity of conduct, few could establish an adequate qualification for church-membership. A law, thus framed by intolerance, in order to invest all power in a party, continued to administer every evil of oppression, notwithstanding the rational exertions of Charles the Second, till the revocation of the charter introduced more genuine freedom, though their forms became less democratic.

The men who had been driven from Massachusetts by incompetent authority without adequate cause, applied to their sovereign for redress. But the Privy Council dismissed their complaint, in January, 1632-3, since "the things informed, being denied, rested to be proved by persons from the place;" declaring, however, "that the general government is in due time to be farther inquired into." The attention of the king's min-

isters was at length awakened by the prodigious emigrations to New England during the year 1633. Alarmed when they heard "that great numbers, known to be ill-affected and discontented with ecclesiastical and civil government, resorted thither," they gave directions, in February, 1633-4, "to stay the ships and passengers till farther orders." Cradock, who first moved for transferring the corporation to Massachusetts, who was then before the Privy Council, was required "to bring the letters patents to the Board." And, having discovered from his confession, what seems to have been hitherto unknown, "that the charter was in the hands of the governor in the colony," the awakened ministers determined to reform what it was too late to prevent.

So great had been the emigrations, because obstruction had only incited the desire of removal, that, before the year 1634, the plantations extended thirty miles around the capital. Influenced no more by the ruling oligarchy at Boston, the freemen adopted a measure, that at once destroyed the power of the governor and assistants, and gave rise to events, the consequences of which are now felt. When in May, 1634, the general court assembled, twenty-four deputies claimed a right to vote for the whole freemen, who were now too numerous, as well as too much engaged, to attend in person to the making of laws. A demand, which introduced an innovation so destructive of the charter, was too powerfully supported to admit of denial. Such is the origin of the second body of delegates, which appear in colonial jurisprudence, since Virginia certainly enjoyed the first, and Maryland the third. Yet, chosen equally by the freemen, the governor and assistants continued to sit with the representatives till 1644; when, after various contests for power, the representatives became a separate branch of the legislature; enjoying

thenceforth all the importance annexed to distinct deliberation. Conscious of this signal irregularity, the rulers have in every period endeavored to conceal what they dared not avow. When, during the reign of Charles the Second, the lords of the Council for colonies asked their agents, "of what persons the general court were composed," they answered, "of the governor, the assistants, and freemen, as the patent expressed." Owning partly to ignorance, but more to prejudice, their historians have inculcated similar impositions. † From that epoch, when the delegates acquired the chief influence, because they at the same time gained the privilege of granting or withholding money, the charter was seldom regarded, except when it was drawn from obscurity to repel the claims of England. † In after times the present innovations were equally claimed, as chartered rights, with the genuine provisions of the patent, and were therefore supported with the same zeal.

The colonists became at length dissatisfied with adjudications, various and contradictory, since every magistrate decided according to the equity of his own mind, without established laws to inform his judgment, or former precedents to direct his practice. Dissatisfaction soon swelled into clamor, and continued complaint produced ultimate reformation. Necessity, indeed, sometimes demanded special regulations for inconveniences as they arose. But it was not till after fourteen years' deliberation, that committees, formed of magistrates, of ministers, and elders, produced a code, which, being ratified by the legislature, was first printed in 1649. It contains not the most distant allusion to the laws of England, since it was compiled chiefly from the Jewish system, which was now adopted, because it had been given to an elected people; and the common and statute laws of their fathers were no more regarded

in Massachusetts than in Germany or in France, as they were deemed inapplicable to the condition of men, who thought themselves equally chosen. We ought naturally to expect that justice would not be administered in the name of the king, because they did not love the appellation, but under the direction of "the authority," since they affected the state of a commonwealth.

During an age of innovation, contests of every kind naturally arose among an enthusiastic people. And notions in religion and in politics, the most extravagant and pernicious, were propagated with a zeal, equal to the fervor of the times. Williams, a popular preacher of Salem, having refused to retract what were deemed his errors, was expelled, not only the church, but the colony, though not without great disturbance and some opposition. His disciples were too faithful to desert him in his distress. He journeyed southward to the Narraganset Bay; and, during the year 1635, he established, with the consent of the aborigines, the plantation of Providence, which he long ruled as a patriarch; which he rendered respectable, no less by the effusions of his benevolence, than by the prudence of his policy.

Tired of contest, or dreading violence, a few colonists were conducted from the vicinity of Boston, by Pynchon and Hooker; who, penetrating westward through the desert, formed a settlement on the margin of Connecticut River, in June, 1636. Here was an occasion which displayed the principles and practices of all parties. Nothing could be more natural than for Massachusetts to reason and act as an independent state. The general court insisted, that, since the inhabitants were tied to each other by the oath of a freeman, they could not separate without the consent of the whole; and they granted permission to emigrate, after an opposition which only invigorated desire; regarding, with

the fondness of parents, those as citizens in their new establishment, who had once been members of the old. Directed by the maxims of sovereignty, they sent with them a commission unexampled in jurisprudence. Having recited that the lands which the emigrants intended to possess were without the limits of this commonwealth; that the jurisdiction was challenged by certain noble persons in England, whose intentions were unknown; they empowered Ludlow to rule and to punish their new subjects, and even to convene a general court, because in every situation government is necessary. The planters, however, soon contemned that commission as informal, or disregarded its powers as inadequate. And they established, by association, a body politic for themselves, under which they enjoyed the pleasures and the importance of self-rule, till Charles the Second gave them a charter. \ Massachusetts continued, however, for some time, to assert her powers of jurisdiction, because few communities, having once enjoyed superiority, relinquish their pretensions without a contest. When Connecticut at length refused obedience to the general court, and denied appeals to Boston, she then acquired real independence on the colony which claimed her submission.

Urged by the vehemence of the times, which had thus laid the foundation of Connecticut on the most faulty basis; which induced men, when impatient of restraint, to abandon the place of their nativity, a small emigration arrived at Boston, in June, 1637, under the conduct of Eaton, a merchant, and of Davenport, a minister. These leaders were courted to land, by every topic of persuasion; but they naturally preferred the importance which the founders of a colony acquire, to the honors that must have been exercised subordinate to others. And they sailed to the confluence of the

river Connecticut, where they landed in the vicinity of the Dutch, at New Amsterdam, notwithstanding their remonstrances and their threats. Having no charter to execute, they established, by voluntary compact, a government, civil and ecclesiastical, extremely analogous to that of Massachusetts, because men animated by the same principles admire the same forms. They disregarded the laws of their fathers, since they had thought them rigorous and deemed them now inapplicable. They showed the extent of their fanaticism, as well as of their self-sufficiency, by abolishing the trial by jury, which wise men had approved, and brave men fought for. Such is the commencement, and such the maxims, of the little colony of New Haven, which enjoyed the gratifications of sovereign insignificance till it was annexed to Connecticut, without its consent, by the charter of Charles the Second.

When men's motives necessarily lead to disunion, it is not easy to preserve concord. The Independents had not yet been taught forbearance by sufferings nor moderation by adversity; and expedients were proposed without success to a people who did not know that toleration blunts the edge of controversy, and, if it does not procure unanimity in opinion, at least enervates the turmoil of action. In Massachusetts, sects necessarily begat sects, whose tenets were too subtile to be then comprehended; whose names were not long remembered, when their practices became generally known and despised. Altercation grew up to animosity, and the malignity of religious and political controversy rose almost to civil war. With design to remove distraction, a synod of the churches was for the first time called, by order of the general court, in August, 1637; still supposing that the supremacy of the king did not exist, though the charter had expressly recognized it. In that famous convention of ministers and elders, of women

and men, Mrs. Hutchinson displayed the hypocrisy of tears; in it, at the age of six and twenty, Vane, the younger, learned the arts of low intrigue, of mean dissimulation, which he not long after practised on a greater stage. The synod condemned eighty-two erroneous opinions, which had been propagated by the enthusiastic zeal of various sectaries of both sexes. And, adopting literally the practice of the popish clergy during the darkest ages, the churches called in the aid of the magistrate to enforce the dogmas of the ecclesiastic; to amputate the member that they wanted skill to restore. Several persons were disfranchised, many were banished. And, dreading insurrection from the town of Boston, which even then had given specimens of turbulence, the general court disarmed the inhabitants and prohibited defamation of magistracy.

When men were thus sent into banishment, because they practised in Massachusetts the lessons which had been previously taught them in England, they sought for repose and security beyond the reach of persecution. A colony, led by the fair hand of Mrs. Hutchinson, journeyed southward on the path of Williams, and formed a settlement in his vicinage, which soon acquired the name of Rhode Island. Having procured a title to the soil from the aboriginal owners, for a satisfactory consideration, the emigrants, by copying the example of their neighbors at Providence, entered into a similar compact of government; which gave a liberal toleration to every sect, and ample protection to every man. ¶ And having thus assumed the dignity of an independent community, and offered shelter to those who fled from the pursuit of bigotry, Rhode Island was soon enriched by her diligence and her commerce, and constrained by her populousness to send colonies to the adjacent shores.

¶ Jealousy in the mean time urged England to observe

the conduct of the New English, who were said "not so much to aim at new discipline as at sovereignty;" and to reclaim those to her government, who "accounted it perjury and treason to speak of appeals to the king." A commission, directed to the great officers of state, was issued, therefore, in April, 1635, "for regulating the plantations." After reciting, that great numbers of the people of England had been permitted to deduce colonies, in order to enlarge the territories of the empire, it invested the commissioners "with a power of protection and government;" with authority "to make laws concerning the state public, or the rights of individuals, to revoke such letters patents as had either been unduly obtained, or the liberties of which appeared to be hurtful to the crown." A commission, which was then regarded as legal, because the king exercised legislative power, was not allowed to remain long in dormant inactivity. Of the conduct of Massachusetts complaints were continually made, because her oppressions became daily more severe. And against her charter was issued, in 1636, a writ of *quo warranto*, which, if we may believe Jones and Winington, who, as attorney and solicitor general of Charles the Second, had inspected the record, was neither so brought, nor the judgment so given, as to cause a dissolution of the patent. It was from the epoch of this proceeding at law, that the ministers of England found continual cause to lament the difficulty of drawing, within the jurisdiction of English judicatories, subjects who lived beyond the ocean.

Meanwhile assembled in April, 1635, the great Plymouth company, consisting of the first nobility and gentry in England, in order to record, for the satisfaction of posterity, the reasons that induced them to resign a charter from which they had derived little honor or advantage. With this design they declared, "that

the Massachusetts patentees, having surreptitiously obtained from the crown a confirmation of their grant of the soil, had not only excluded themselves from the public government of the corporation, but had made themselves a free people, and for such hold themselves at present; framing unto themselves new conceits of religion, and new forms of ecclesiastical and temporal government; punishing divers that would not approve thereof, some by whipping and others by burning their houses, and some by banishment, under other pretences, indeed, yet for no other cause save only to make themselves absolute masters of the country, and uncontrollable in their new laws." Such were the reasons which reduced the council of Plymouth to the necessity of requesting their sovereign "to take the whole business into his own hands." Never did any nation derive so little benefit from so powerful an association, to whom was intrusted the government of an extensive dominion, because in all monopoly there is an interestedness that repels the affections of mankind. Never did any commercial company draw so little profit to themselves, though their affairs were conducted by philosophers, with Sir Kenelm Digby at their head, since they were envied and opposed. Never did the legal proceedings of any corporation create so much subsequent controversy, though they had been advised by Sir Henry Spelman, who was himself a member, and at the same time their standing counsellor. *

* It may gratify a reasonable curiosity, to be made acquainted with the members, who at that meeting formed that memorable resolution. Some of them have left names the most celebrated in the English annals.

Lord Gorges, *President*,
 Marquis of Hamilton,
 Earl of Arundel and Surry,
 Earl of Southampton,
 Earl of Lindsey,
 Earl of Carlisle,
 Earl of Stirling,
 Lord Maltravers,

Captain Mason, *Vice-President*.
 Lord Alexander,
 Sir Ferdinando Gorges,
 Sir Kenelm Digby,
 Sir Robert Mansel,
 Sir Henry Spelman,
 Sir James Bagge,
 Mr. Montague.

As every charter was now supposed to have been either cancelled or resigned, Charles the First assumed the government of New England, in July, 1637, in order "to redress the mischiefs that had arisen out of the many differing humors;" and he appointed over it Sir Ferdinando Gorges, as governor-general, "whose gravity, moderation, and experience gave hopes of repairing what is amiss in that disjointed settlement." But that loyal gentleman was invested with powers which could not be executed among such a people, during such a season, without an army; and his sovereign had no army to send. During the years 1637 and 1638, proclamation followed proclamation, "to restrain the transporting of subjects to the colonies; whose principal end is to live as much as they can without the reach of authority." Charles the First is said to have increased the complaints of his people by a double persecution, who were vexed at home, yet not suffered to seek peace abroad. Urged by all those reasons, the Privy Council despatched an order to Massachusetts, in April, 1638, "commanding Winthrop, or any other in whose custody the letters patents were, to transmit the same by the return of the ship; being resolved, in case of contempt, to cause a strict course to be taken against them." The rigors, which were thus threatened to others, were by a singular reverse of fortune not long after inflicted on themselves, when they resigned the colonists to their own pursuits, that the royal counselors might turn their undivided care to the calming of domestic troubles.

We must carefully distinguish between the emigrants of 1620 and those of 1630, if we would form an accurate judgment of the founders of New England. In one characteristic indeed they both agreed, as they were all puritans of the most rigid kind. The settlers

of New Plymouth appear to have been men of great zeal with little knowledge, who exerted an industry and perseverance prompted by their indigence. The principal planters of Massachusetts were English country gentlemen of no inconsiderable fortunes; of enlarged understandings, improved by liberal education; of extensive ambition, concealed under the appearance of religious humility. The ecclesiastics of the first were at once ignorant and enthusiastic. The clergy of the second, having derived their scholastic knowledge from Oxford and from Cambridge, possessed rather more than a competent share of learning, which they did not, however, bequeath to their successors; and, having found objections to the Church of England, of which they had been members, in the innovations of the age, endeavored to discover the truth in every extreme. The savage vulgarity of both classes gave them considerable influence over the minds of the multitude; whose manners they formed, whose inclinations they directed, to that love of equality, that impatience of restraint, which strangers in after times attributed to "a leveling principle." And to this source may be traced up the genuine causes of the various events of their annals; of those that are already past, of those that are yet to be mentioned. Informed by the councils of such leaders, and inspired by their enthusiasm, the general court perceived that it would be equally dangerous to comply with the order of the Privy Council, or to refuse. And they transmitted, in September, 1638, a petition to the lords commissioners for colonies, drawn in characteristic language. They professed not to question their lordships' proceedings, but only to open their griefs; had they offended in any thing, they prostrated themselves at the footstool of authority. They begged for time to answer before condemnation; and they re-

presented, that, should their patent be taken from them, "the common people will conceive that his majesty hath cast them off; and, hereby freed from their allegiance, will be ready to confederate themselves under a new government." From this remarkable transaction, the rulers of Massachusetts learned what advantages might be derived from distance of situation no less than from the embarrassments of the parent. In subsequent times they practised successfully the lessons, which during that period of distraction they acquired, diligently. And, while England was unhappily engaged in civil war, they settled their forms, they extended their plantations, and established their independence, as had been foretold, when, by sailing beyond the ocean, they eluded in future the remark and operations of control. Happy, for themselves and the world, had they followed an advice, which even then was pressed on them by the wise in the language of the apostle; "not to think more highly of themselves than they ought to think, but to think soberly."

CHAPTER III.

MARYLAND.— Sir George Calvert. — Grant to Cecil, Lord Baltimore. — Powers conferred on Lord Baltimore. — Exemption of the Colonists from Imposts. — Covenant inserted in the Charter respecting Subsidies. — The first Colony erected into a Province of the English Empire. — Settlement made. — Privileges and Enjoyments of the Settlers. — Claims of Virginia to Territory, set aside. — First Assembly. — Acts sent to the Proprietary, who transmits a Code to the Assembly. — Clayborne. — The Second Assembly rejects the Laws of the Proprietary. — Decision against Clayborne respecting the Isle of Kent. — Government established at the third Meeting of the Freemen. — Separation of the Houses of the Assembly. — Character of the Laws and of their Administration. — Remarks on Charles the First, his Acts and his Administration.

DURING an active age, when men's minds were turned to the projects of peace, because they were restrained by a pacific prince from the exploits of war, Sir George Calvert, the friend of Strafford, engaged in colonization. Having long acted as a zealous associate of the great companies, which had undertaken to plant America, he was induced by their unprofitable adventures to desire exclusive ownership. And he obtained from James the First, whose secretary he had been, a liberal grant of Avalon in Newfoundland, where he formed a settlement, and for some time acted as law-giver. But, dissatisfied at length with the barrenness of soil and coldness of atmosphere, he was enabled by the munificence of Charles the First, who lent him a ship to prosecute discovery, to find in Virginia a happier climate and more fruitful glebe.

Yet he lived not to taste the fruits of a plantation, which his enterprising genius had conceived rather

than formed. And there was granted, in June, 1632, to Cecil, then Lord Baltimore, the heir of his abilities and his title, a considerable part of that most ancient dominion, on the usual motives of "a laudable zeal for propagating the Christian religion, and for extending the territories of the empire." Bounded on the north by New England, and on the south by the river Potomac, the intended settlement was separated from Virginia, and subjected to the crown of England alone. The proprietary was invested with the honors of a count-palatine, by a reference to the ancient rights of the bishops of Durham, which conferred regal jurisdiction. He was empowered to transport settlers, who could not emigrate without the royal license; who were to continue English subjects, in their new habitations, and were to enjoy consequently the privileges of subjects. The authority, conferred on Baltimore, was truly royal; the immunities granted to the colonists were extremely extensive; but nothing was reserved to the king or to the nation, except general sovereignty, that neither contained immediate superintendence, nor insured necessary control. The law, as it was then understood, and the anecdotes of the times, furnish satisfactory explanations of that accurate charter. Having been literally copied from the prior patent of Avalon, which had been granted, in 1624, to the father by James the First, who exercised legislation and conferred exemptions, it naturally contained a clause, that had been found in the former, exempting the provincials from imposts. Continuing to exercise the same powers as his predecessor, Charles the First now inserted, in the charter of Maryland, the celebrated covenant with regard to subsidies; which he six years after introduced into the grant of Newfoundland, when he imposed a tax. And the attorney-general, Noy,

having corrected the patents of both, formally gave the sanction of his approbation to those claims and exertions of prerogative, for which Sir George Calvert himself had so strenuously pleaded in the House of Commons during the last reign. And thus Maryland acquired the preëminence of being the first of all the colonies, which was professedly erected into a province of the English empire.

Accompanied by a few Roman Catholic families, who fled from the persecution of the Puritans more than from the tyranny of the penal statutes,* Calvert formed a settlement on the northern bank of the Potomac, in March, 1633, with the consent of the aboriginal owners. While he cultivated the good-will of the natives, he engaged the support of his followers, by giving every freeman a property in the soil, which his interest engaged him to defend. Actuated by policy more than by enthusiasm, he did not copy the martial system of the South, nor did he adopt the religious follies of the North. And the plantation prospered in proportion as the individual enjoyed in safety what he regarded the most; the rights of property, the privileges annexed to political importance, and, above all, an absolute toleration of his conscientious principle and practice, during a period, when every sect demanded tolerance, yet none had the generosity to grant it.

While the Virginians received the planters, who thus nestled in their neighborhood, with affected civility,

* During every session of Parliament, in the time of James the First and his successor, the puritanic members complained of the increase of popery, and moved for additional bills to restrain it. In 1621, Pym took the lead in bringing forward "an act for the explanation of former laws made against popish recusants." [Parl. Deb. 1620-1, 2 vol. p. 17.] When Sir John Culpeper made his famous speech, in 1641, "concerning the grievances of the church and commonwealth," he did not forget to mention, in the first place, "the great increase of papists, caused by the remiss execution of those laws, which are made to repress them; the life of our laws is execution, without which they become a dead letter; this is wanting, and a great grievance."

since they had been recommended to their good offices by their common sovereign, they resolved to maintain the powers of the prior settlement. No community was ever deprived of jurisdiction without complaining. When the charter had scarcely been sealed, they represented to Charles the First, "how much they should be injured, if they were divided into several governments." Both parties were heard before the Privy Council, in July, 1633. Under a license to traffic, Clayborne, "the secretary of state of Virginia," claimed part of Maryland, where he had formed a settlement, in order to facilitate his commercial intercourse with the original occupiers. But, against the patent it was not alleged, that it had been surreptitiously obtained; that the previous plantations of the Dutch and Swedes on the Delaware had been concealed with a criminal design, which had invalidated the royal purpose. Such topics were reserved for after times, when facts had been forgotten. Influenced by Strafford, the Privy Council wisely "thought fit to leave Lord Baltimore to his charter and the complainants to their course at law." Maryland gave the first example of the establishment of a province, which should enjoy equal rights and separate jurisdiction, by the partition of a more ancient dominion. The territory was regarded as the king's, which he might therefore transfer. The powers of government had assuredly flowed from him, which he might consequently confer on one, whom he thought worthy of trust. And thus Virginia was subjected to the mortification of seeing her territory dismembered contrary to her inclination.

Like all others, who had undertaken to perform the same difficult task, the Marylanders lived for some time under the domestic regulation of a feudal chief rather than the provincial system established by char-

ter. While they were yet usefully occupied in rearing habitations and in the providing of food, there would be little necessity for legislative rules or judicial determinations. The first assembly, composed probably of every freeman, while their numbers were few, was convened, in February, 1634-5, nearly two years after their arrival on the river St. Mary's. But of their transactions it is now only known, that, "among other wholesome laws," they declared, "that all felonies shall be punished with the same pains as for the same crimes in England." They sent their acts to the proprietary for his assent, whose confirmation seems to have been essential to their energy; who, while he disapproved of theirs, transmitted a code of his own composition, to be by them enacted into rules. In the mean time, the public repose was somewhat disturbed by the intrigues of Clayborne, who, dissatisfied with the judgment of the Privy Council, infused a jealousy into the Indians, and denied that submission to Maryland, which he insisted belonged to Virginia alone. But, convicted of murder, piracy, and sedition, crimes that seem to have been inferred from his opposition, he was driven without much resistance from a province, which he was doomed at an after day to command. As he lived to feel the pangs of penury in his old age, his final fate has left an example to the world, that, though moderation is not always the most splendid, it is generally the most safe.

As the province gradually filled, by the arrival of additional planters, the exertions of the legislature became more necessary. The second assembly, which was convened in January, 1637-8, in their turn rejected the laws of the proprietary. But, though they sat two months, they seem to have been unable to frame such a code as to please both parties; so difficult is the work

of legislation before men have adopted customs, which, proceeding from themselves, they willingly obey.

Regarding his expulsion as an injury, and relying on the support of Alexander, the Scotch secretary of state, Clayborne applied to his sovereign for a confirmation of his title to the isle of Kent, which he claimed from a license under the privy signet of Scotland. Since the disputants could not compromise their claims, the lords commissioners of colonies finally decided this controversy, tedious rather than perplexing, in April, 1639. They determined, "that the lands in question absolutely belonged to Lord Baltimore, and that no plantation or trade with the Indians should be suffered within his limits without his permission; that, with regard to the violences complained of, they saw no cause for relief." Clayborne disregarded an authority which had now been greatly shaken; and he meditated mischief, since he thought himself wronged.

Meanwhile the affairs of the provincials held their natural course. They engaged with energy in the pursuits of interest, since from the blessings of protection they enjoyed whatsoever their diligence had gained. And they entered upon the occupations of their Virginian neighbors, which experience had approved as useful; upon the raising of cattle and corn, for supplying subsistence; upon the cultivation of tobacco, that attracted foreign traders. As every attempt to establish a body of laws had hitherto failed, since discussion had not yet removed difficulties, the freemen convened, for the third time, in February, 1638-9. And they naturally by their first act established "the house of assembly; declaring, that persons, chosen in pursuance of writs issued, shall be called the burgesses; who, with the gentlemen summoned by the special writ of the proprietary, together with the governor, shall form the

legislature, whose acts shall be considered as laws." But it was not till ten years after, that the component parts of the assembly were divided into two separate houses, that each enjoyed in future the powers which distinct deliberation easily acquires. Animated little by the sentiments of the northern enthusiasts, the members of that memorable convention acted altogether as Englishmen, who, while they remembered the duty which they owed, asserted their native privileges. They attended to the rights of "holy church," because they were good Catholics. They obliged every inhabitant to take an oath of allegiance to their king, because they did not consider themselves as emancipated by emigration. They recognized the prerogative of the proprietary, since they regarded the charter as the foundation of their government, and required obedience to his power, because the laws were administered in his name. They insisted on enjoying their liberties, "according to the great charter of England," as they thought themselves Englishmen, who had forfeited nothing by their departure with the consent of the state. They declared, that justice should be distributed in civil cases, according to the laws and usages of the province; but, where these were silent, according to the laws and laudable customs of England; thus prudently engrafting the jurisprudence of the kingdom on the system of the colony. The governor and council were invested with the power of punishing misdemeanors; but, with the spirit of their original country, the legislature sent the criminal, whose life was forfeited to the laws, to a trial by his peers. And a custom of five in the hundred was imposed on tobacco exported, except to England, Ireland, or Virginia, for supporting a government, the happy influence of which they felt.

It is in the early laws of every people that we dis-

cover their genuine spirit. Were there no other documents remaining, we have, in the acts of the session of 1639, sufficient proofs to decide, with regard to the moderation, the wisdom, the patriotism of the original planters of Maryland; with respect to their religious principles and political practice. In reviewing their proceedings, instead of enthusiasm we meet with charity, in the place of the Jewish jurisprudence we find the laws of England, in the room of an engagement to the province we discover an oath of allegiance to the king and of obedience to the proprietary. The original habits, the religion, the subsequent education of the provincials, prompted a love of order, an adherence to establishments, a submission to law, which had the greatest influence on their future conduct; which may be traced, by the attentive observer, through the whole of their annals, with a few variations. If we form our opinion of men by the qualities of the heart, as they are disclosed by the effusions of action, the emigrants formed the progenitors of a people, who merit much of our esteem. We may easily determine, with regard to the numbers, the wealth, and the enterprise of a community, who find it necessary "to erect a water-mill" by general contribution, for general use. Yet such was the condition of Maryland at the commencement of the civil wars.

The time was now come, when the political life of Charles the First was to cease; when he was no more to urge adventure by his liberality or to encourage colonization by his bounty; to correct irregularities, by repressing the arrogant and raising the humble. In his colonial administration, he copied the practice of his father, because he inherited his principles. In the same manner he regarded the plantations as a patrimony, which he might give away or govern, according

to his will; though he seemed proud to acknowledge to the world, that he considered these transatlantic settlements as territories of the English empire. The charters of his reign were dictated by a knowledge of the law, as it was then understood, by those who gave advice to the crown; establishing regulations, since he was supposed to possess legislative authority, and granting exemptions, as he actually exercised the power of taxation. To him England owes the original policy of the acts of navigation, which was afterwards adopted as a favorite system; which he attempted to enforce by the modes now so familiar in our laws, though he has been robbed of the merit of invention and the praise of consistency. And the result of his administration was to allow the New-English, by a singular effort of usurpation, to establish their independence, because, though he had sagacity to see the inconvenience, he wanted force to apply the remedy; to give to the southern settlements such amplitude of privilege, as to incite similar inclinations, whenever, in the progress of events, opportunity was supported by power. The posterity of both have cast obloquy on his name, because men are more apt to complain of an injury than to recount a benefit.*

* By attending to the opinions of eminent lawyers, who advised successive monarchs, we not only trace a progress in the sentiments of statesmen, but acquire a useful key to the state papers of their reigns. In January, 1633, the attorney-general, Noy, presented to the Privy Council a complete code for Newfoundland, which he advised the crown to approve, because, said he, "the king may make laws for such new-acquired dominions." And the rules of Noy were accordingly ratified, as his principle was thought just and his provisions were deemed necessary. In November, 1638, Newfoundland was granted to James, Marquis of Hamilton, by a charter, which seems to have been literally copied from that of Baltimore. A tax of five per cent. on the imports and exports was at the same time imposed, but with a covenant, on the part of the king, exactly similar to the celebrated clause in the patent of Maryland, "never to impose another." Thus, though the petition of right had determined, with regard to England, the law against the opinions of Bacon, before recited, Charles the First continued to establish imposts on her dependent territories. In the third year of his reign, the treasurers and chancellors of the Exchequer, both of England and Ireland, were directed to increase the duties upon Irish exports; "which shows," says the Observer on the ancient statutes, p. 127, "that it was then imagined, that the king could tax Ireland by his prerogative, without the intervention of Parliament;" and, for the authenticity of the fact, he cites Rymer, 8 v. pt. 2. p. 203.

BOOK THIRD.

THE PARLIAMENT AND PROTECTOR.

1649 — 1660.

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THE PARLIAMENT AND PROTECTOR.

1649-1660.

CHAPTER I.

VIRGINIA. — Berkeley's Administration. — Attempts to enforce the Ancient Patents. — Attachment to Charles the First. — Laws against the Independents. — New Commission to Berkeley from Charles the Second. — Prohibition of Trade, and other Acts by Commons. — Berkeley's Defence of Virginia. — His Retirement and Recall.

THE meeting of the legislature, after twelve years recess, forms a remarkable epoch, not only in the history of England but in the annals of her colonies. A revolution of power necessarily ensued, of great extent, and of lasting consequences to both. Too much engaged in more interesting objects, Charles the First ceased to legislate for the plantations, or even to attend to their affairs. And the Commons instantly assumed what, in his distress, he had relinquished; what, in his prosperity, they had contended for without insuring success. Having, at length, received a different direction, the ardor of men flowed into a new channel, since their sentiments had been gradually changed. And the multitude, freed from apprehension, either feigned or

real, no longer sought security beyond the ocean, till subsequent troubles revived their dread or inspired them with hope.

Gratified, meanwhile, by the removal of the object of their hate, the Virginians assumed their former good-humor on the arrival of Berkeley ; foreseeing, in their present happiness, future prosperity. But it proved not of long duration. Though that celebrated governor has obtained the praise of removing the grievances of his predecessor, his commercial instructions introduced all the inconveniences, which every where result from sudden change in domestic economy. The contests of their native land conveyed to them much of their unpleasantness and many of their evils. In those days it was not difficult to find "prime lawyers," who declared that the ancient patents of the Virginian company remained in force, notwithstanding the judgment of a competent court of justice and the length of acquiescence. While causes of complaint were sought for, a petition was presented to the Commons, in the name of the assembly, "praying for a restitution of the former corporation." But, urged by a dissimilar spirit from that of their predecessors of 1624, because they had now felt their own importance, the governor, the council, and the burgesses joined in transmitting a positive disavowal of what was no less contrary to truth than inconsistent with their interest. They, at the same time, presented an address to Charles the First, acknowledging his bounty and desiring to continue under his immediate care. He sent them, after his retreat to York from the tumults of his capital, a gracious answer to a profession of obedience to his power, because contrast is always pleasing ; in return, he gave them an assurance, "that he never would consent to

the reestablishment of a company over them." And they showed, by their conduct, that a favor conferred on a community does not always provoke ingratitude. Regardless of danger, they remained firmly attached to their benefactor during his unfortunate life, since the interests of both were the same. Though the season was unfavorable to Berkeley's endeavors to promote private prosperity, he was enabled, for some time, to preserve internal quiet, amid the turbulence of the times, by procuring severe laws against the Independents, who attempted to penetrate from New England; as a regard to peace seemed to require, that a party ought to be carefully excluded, who never fail to bring insurrection in their train.

After the sad fate of the father, Charles the Second sent from Breda, in June, 1650, a new commission to the faithful Berkeley, as an approbation of a conduct, singularly loyal, amidst such general defection. Copied nearly from the former, it declared the royal purpose "of ruling Virginia, according to the laws of England;" it empowered the governor and council to punish crimes, as the rules of English jurisprudence might direct; and he gave them a prophetic warning "to build fortifications, at the expense of the planters, for preventing the rebellion of subjects or the invasion of enemies."

Having by the most singular exertions of abilities and courage triumphed over all their European opponents, the Commons found leisure to look into the transatlantic territories, to reward the attachment of friends, to punish the opposition of enemies. In October, 1650, they passed a memorable ordinance; prohibiting trade with Barbadoes, Virginia, Antigua, and the Bermudas, because, having been settled by men little infected with fanaticism, all these had adhered to the fortunes of their

late sovereign. Reciting that the colonies had been planted at the cost, and by the people, of this kingdom, and ought therefore to obey her laws, yet that many planters in Virginia had traitorously set up for themselves; it declared such persons "notorious robbers and traitors," it forbade every one to confederate with them, it prohibited all foreign vessels from sailing thither, and it empowered the Council of State to compel all opponents to obey the authority of Parliament. Informed by instructions, which were dictated by the end, Admiral Ayscue was detached with a powerful armament to execute that important purpose. He was directed "to use peaceful arts to bring the colonists to obedience; but, should these prove unsuccessful, to employ every act of hostility, setting free such servants and slaves as will serve as soldiers against their masters; and to cause justice to be administered in the name of the commonwealth." The Virginians soon felt, that the Commons were then too wise to form unmeaning pretensions, and too vigorous to enter into resolutions of policy, which they were afraid to enforce. Without scruples they courted only success, and without intending it they left a signal example of wisdom and energy to the world.

Berkeley's defence of Virginia against his fortunate invaders gained him the approbation of his prince and the applause of his countrymen. And his conduct was the more meritorious, as he had to contend against a zealous faction within and a potent enemy without. Even Maryland appeared against him, as the supporter of the authority of England. When he could no longer fight, he delivered up the government upon such favorable terms as the English commissioners were willing to grant. They only claimed submission to the power which governed the parent country, though not by

the justest title, and, when every one submitted, they had gained their object. He retired to a private station, to wait with patience for favorable events. Virginia obeyed the various rulers, which the revolutions of the age imposed on England, with the reluctance that acknowledged usurpation generally incites. But, amid the distractions that succeeded the death of Cromwell, she seized the opportunity to free herself from the domination of her hated masters, by recalling Berkeley from his obscurity, and proclaiming the exiled king. And she by this means acquired the unrivalled honor of being the last dominion of the state which submitted to that unjust exercise of government, and the first which overturned it.

CHAPTER II.

MARYLAND.—Clayborne's Intrigues with the Indians.—Indian War and Peace.—Clayborne's Intrigues with the Colonists.—Insurrection, and Expulsion of the Governor.—Subjection of the Insurgents.—Settlement of Independents at Providence or Annapolis.—Toleration Law.—Permanent Establishment of the Constitution.—Jealousy and Law respecting Taxation and Martial Law.—Davenant appointed Governor.—Allegiance of Lord Baltimore.—Troubles with the Independents.—Governor Stone's Expedition against Providence.—His Defeat.—Officers executed.—Clayborne and Bennet, as Commissioners of Cromwell, seize the Government.—Popery and Prelacy not protected.—Restoration of the Administration to the Proprietary.—Acts of the next Assembly.

THE province of Maryland was, in the mean time, afflicted with the various miseries that mankind have endured in every age, in which faction has usurped the place of public spirit. The suggestions of Clayborne had infused a jealousy into the surrounding tribes, that the prudent conduct of Calvert had been unable to eradicate; because they had discernment to perceive, that, as the colonists extended settlement, their hunting-grounds were narrowed, and, as food grew more scanty, their numbers became less. A savage war, therefore, began in 1642, which continued for many months to administer every mischief of hostility without any circumstance of renown, till a peace was made, on the accustomed conditions of treaties with the American tribes, of present submission and of future amity. Law was called in to give proper effect to policy; private purchases of the original owners were declared to be void; every one was prohibited from giving arms and ammunition to men, who were no less prompt

than dexterous in the use of them ; and death was denounced against him, who should in future "sell or transport any friendly Indian."

Quiet was scarcely restored to a narrow frontier, by salutary measures, when this feeble plantation was harassed by domestic war. Disappointed in every attempt to regain what he esteemed his right, either formerly from the king, or lately from the Parliament, the restless Clayborne continued his intrigues among the discontented of Maryland, whom a turbulent age produced. And, in February, 1644-5, just twelve years after the original settlement, he chased from the province a governor, who was supported by no force, that can alone repel force. The insurgents instantly seized the reins which they had snatched from enfeebled hands, which they guided with the accustomed violence, as well as insult, of those, who acquire undeserved power by unlawful means. Aided, however, by the friends to order, who flocked in great numbers to his standard, when the effects of the first impression had ceased, Calvert expelled the rebels in his turn ; and before August, 1646, obedience to government was once more happily restored. The usual laws, which follow unsuccessful revolt, were now passed ; a general pardon was granted, with a few exceptions ; actions for wrongs, committed during the rebellion, were discharged ; and compliance with William Clayborne, in opposition to the proprietary's right, was prudently prohibited. But the colonists were not freed from every inconvenience, when they were relieved from the terrors of violence ; considerable taxes were imposed not only "towards satisfaction of claims touching the recovery of the province," but "to enable the proprietary to protect them, in their lives, liberties, and estates."

While a standing memorial was thus established, of

the inconvenience of the past, of the penalty of subsequent revolt, a body of emigrants arrived in Maryland, who scattered, with a busy hand, the seeds of future revolution. When the Independents were repulsed from Virginia, they naturally turned their eyes to the neighboring province, which offered them an asylum, upon terms dictated chiefly by themselves. During the year 1648, they settled a higher district of Maryland, which they denominated Providence, in order to show their sense of late misfortunes and of present happiness; which fifty years after furnished a site for Annapolis, the present capital. And they were soon joined by numerous associates, who, professing the same principles, wished to enjoy the same security. From that period may be traced not only a considerable alteration in the sentiment, but even in the language, of the acts of assembly. As men of every species of religion had now settled where they were freely tolerated, nothing could be more wise than the measure which was adopted to preserve peace, in an age of religious contest. The assembly, though directed by popish councils, passed a law in April, 1649, which, reciting the dangerous consequences of enforcing conscience, declared, that no Christian shall be disturbed in the free exercise of his religion; that persons, molesting any other, on account of his scriptural tenets, shall pay treble damages to the party wronged; that he, who shall reproach his neighbor with any opprobrious names of religious distinction, shall forfeit ten shillings to the injured. Though this admirable law, enacted in the true spirit of Christianity, was repealed during the subsequent triumph of fanaticism, it was established, in 1676, as a perpetual rule; but was again superseded at the revolution, with the puritanic spirit of the former age.

As early as the year 1650, the constitution of Maryland was finally placed on the solid foundation, which upheld it to the present times. The title of the Lord Baltimore was then recognized, with a saving of "the just liberties of the freeborn subjects of England." Already divided into two branches, the legislature was now formed into an upper house, consisting of persons called thither by the writ of the proprietary; into a lower house, composed of representatives, chosen by the hundreds. And the acts approved by both and passed by the governor, were declared to be the established laws, which all ought to obey, because the assent of every individual was supposed to be included. Animated by a prudent jealousy of the chief ruler, the legislature enacted, "that no taxes shall be levied on the freemen, without their consent, or that of their deputies, first declared in assembly;" that martial law shall not be executed, except in time of war; thus, invigorating the provisions of the charter by the positive declarations of every rank in the province.

While the assembly thus promoted internal happiness by salutary laws, various changes were at hand. In February, 1649-50, Charles the Second appointed Davenant, the author of "Gondibert," governor of Maryland, "because Lord Baltimore did visibly adhere to the rebels in England;" yet he never assumed an office, which was then too perilous for a poet. Possessing great prudence as well as great reach of thought, the first proprietary joined the prevailing party with the usual policy of the world. Nothing was required, by his charter, but general allegiance, and he seems to have been willing to yield general subjection to any sovereign, who might gain possession of England. When the Parliament sent commissioners to the Chesapeake, to require the submission of the planters, his

officers admitted the authority of the Commonwealth, though they continued, as formerly, to administer the laws in his name. But their submission to English sovereignty did not procure them prompt obedience, even to the most just commands, during an age of broils. "The Independents," say contemporary writers,* who knew their ways, "were as much refreshed with their entertainment in Maryland, as the snake in the fable was with the countryman's breast, for which they were equally thankful. They began to pick quarrels, first with the papists, next with the oath of fidelity, and, lastly, they declared their averseness to all conformity; wholly aiming, as themselves since confessed, to deprive the lord-proprietor of that country, and to make it their own."

Governor Stone, who had recently assisted in subduing Virginia, was too spirited, however, as well as too faithful, to resign his charge to such men without a contest. Having determined to enforce submission, by compelling the refractory, he sailed for Providence with one hundred and thirty men; but was constrained, by the treachery of Heamans, who commanded a mercantile frigate of considerable force, to land on a narrow neck of land, formed by the confluence of the Severn. Here, on the 25th of March, 1654, he was attacked by one hundred and seventy insurgents, who, having purchased the irresistible aid of Heamans, obtained an easy victory over the friends of order, who saw their commander wounded and their retreat cut off. It is curious to remark, because we trace the influence of a

* That genuine picture of the Independents may be seen in a little book, published in 1835, by Langford, entitled, "A Just Refutation of a Scandalous Pamphlet, called *Babylon's Fall in Maryland*;" and, in a publication by Hammond, in 1836, to which he gave the singular title of "*Leah and Rachel, or, The two fruitful Sisters of Virginia and Maryland*." These petty volumes contain many curious anecdotes of those eventful times.

predominant principle, "that, during the battle, a small vessel of New England, under the command of one John Cutts, seizes the boats, provisions, and ammunition of the governor and his party." The victors condemned Stone to death, whose courage and fidelity deserved a better fate; yet spared his life, since they had already expressed a melancholy contempt for just authority. But, with the malignant spirit of the times and of the party, they executed Eltonhead, a counsellor, and several inferior officers, by martial law, after quarter given; thus showing by their flagitious conduct, that, when bravery is the effect of fanaticism, it is always cruel.

The anarchy, which was thus courted by the conquerors, did not long continue. In July, 1654, the government was seized by Clayborne and Bennet, as commissioners for Cromwell, though without authority, in whose name they not long after called two different assemblies. Having derived their present power from the protector, they naturally recognized "his just title to the province." Forgetting former good offices, they declared, that none professing the popish religion should be there protected; allowing religious freedom, however, to Christians, provided it was not extended to the professors of popery or prelacy. And their whole administration, equally illiberal and tyrannous, breathed a similar spirit of bigotry and ignorance, neither doing credit to their own talents, nor insuring the peace of the governed. When civil importance is lessened at the same time that religious liberty is taken away, men always look for change. And an unsuccessful insurrection was easily raised, in 1656, by Fendal, who mistook a propensity to restless intrigue for motives of genuine patriotism. As Cromwell entertained no settled purpose to divest him of power, who had yielded

willing obedience, he restored to Lord Baltimore, in 1657, what had been thus taken from him by the intemperate zeal of the Independents, urged by the revenge of Clayborne.

But the long-lost tranquillity of Maryland was not regained when the administration of the proprietary was reëstablished, in March, 1657-8, under a commission to Fendal. The assembly no sooner convened, in February, 1658-9, than the burgesses, copying the late example of the Commons, because they aimed at similar objects, dissolved the upper house, and usurped all jurisdiction. And having resolved to act "without dependence on any other power," they appointed Fendal supreme ruler, by whose treacherous suggestions they were now governed; who, during the turmoil of the times, scrambled for himself. It is not one of the least infelicities of civil contest, that innovation begets contempt of order, disregard of decency invalidates the moral sense, and crimes usurp the place of rectitude, till the successive strokes of adversity have taught men, that, when they cease to be virtuous, they cease to be happy.

CHAPTER III.

NEW ENGLAND.—Extent of Immigration to Massachusetts.—Mission of Hibbins, Weld, and Peters to England.—Exemption of New England from Taxation.—Council for the Colonies.—Patent uniting Providence and Rhode Island.—Act of Massachusetts unfavorable to the King.—Pequot War.—League of Plymouth, Connecticut, and New Haven.—Rhode Island not admitted to the Confederacy.—Influence and Jurisdiction of Massachusetts.—She denies Appeals to the King or Parliament, establishes a Mint, and makes Treaties.—Council of State foiled by the General Court.—Exemption from Imposts extended to other Colonies.—Acts for propagating the Gospel in New England, for Excise on Tobacco, for prohibiting Trade.—Tobacco not to be planted in England.—Massachusetts and the Cromwells.—Leverett's Expedition against New Netherlands.—Massachusetts does not aid it.—The Protector's Designs of removing New Englanders, disappointed.—Trade and Wealth.—Authority exercised over the Plantations by the Parliament and Protector.

WHILE experience taught Maryland, that her miseries only commenced when she departed from her original prudence, Massachusetts steadily pursued her purpose, and, though obstructions were sometimes thrown in her way, either by design or chance, finally gained her end. Twenty thousand persons had removed thither before the year 1641, when the ardor of emigration cooled; owing no less to the meeting of Parliament than to apprehensions from her rigor and to the folly of her laws, which preferred orthodoxy of faith to augmentation of numbers. Urged by these causes, and enlivened by hope, many deserted the country, that they now thought unworthy of the beloved name of Canaan; but, though a considerable check was given to its growth, the plantation had taken deep root, because

the religion of the people, while it excluded amusement, promoted diligence. And their rulers prepared, with their usual address, to derive every possible advantage from their situation and events.

Foreseeing, from the cast of political affairs in England, that great revolutions were at hand, the general court despatched thither, in 1641, three agents, Hibbins, Weld, and Peters; and, though their instructions have not been preserved, or have been perhaps designedly destroyed, the object of their mission at that critical juncture is now known to have been "to promote the interest of reformation, by stirring up the war and driving it on."* Hugh Peters acted a part in the said tragedy of the times, no less conspicuous to the world than fatal to himself. That singular enthusiast attempted, among other exploits, to write down the laws of England, with design to open a way for the introduction of a system, more suitable to the purpose of the Independents; but happily without success, because the writer's wit was not equal to his malice. And there were not then wanting men, who, having marked their pernicious progress, defended the English jurisprudence with greater powers, while they gave fruitless warning to the nation, "that, as from New England came hither independence of churches, there is cause to pray, that thence in time may not also come hither arbitrary government in the commonwealth."†

* See the printed trial of Hugh Peters, in which that remarkable fact is satisfactorily proved.

† He who peruses the fugitive publications of England, from the accession of Charles the First to the meeting of Parliament, in 1641, must perceive that the writers, if we except the puritans, had gradually acquired a more natural force in their sentiments and a more elegant neatness in their style. But from that epoch ensued, what Hugh Peters denominated, "the pamphlet-gluttied age." In the beginning of the year 1644 there was published "New England's Lamentations for Old England's Present Errors," and, in a few months after followed "New England's Advice to Old England; wherein both

Gained by the intrigues, perhaps by the money, of the agents, the Commons passed an ordinance, in March, 1642-3, "for the encouragement of New England;" by freeing "that colony from taxation, either inward or outward, or in this kingdom, or in America, till the House take farther order therein to the contrary." A law, which, in more modern times, would have spread universal discontent and insurrection, the general court ordered to be recorded, that it might remain among their archives, a proof to posterity of the favors of the one body and of the gratitude of the other. While the Commons thought the plantations thus worthy of indulgence, because they, might prove commodious to the nation, they regarded them as proper objects of regulation; and, during the same session, they established a Council for the Colonies, similar to that of 1635, since the powers of the parliamentary edict seem to have been literally copied from the provisions of the commission of prerogative. That body, at the head of which was placed Lord Warwick, the admiral of New England, proceeded immediately to execute their trust, no less extensive than it was important. They granted a patent of incorporation to Providence and Rhode Island, which were thenceforth united; giving the powers of government, but

their Governments are compared." Vaughan, the friend of Clarendon, "asserted the common law against Hugh Peters." Pryne himself published, in September, 1644, "Independency refuted," and, in the subsequent year, he announced to the world "A fresh discovery of some prodigious new wandering blazing stars and fire-brands, firing our church and state into new combustions; wherein some letters and papers, lately sent from the Somers Isles are subjoined; relating the schismatical, illegal, tyrannical, proceedings of some Independents there, in gathering their new churches, to the great distraction and prejudice of that plantation." Of such hooks the title-page is enough. Bailey not long after printed what he republished in January, 1654; "A Dissuasive from the Errors of the Times," in order to expose the practices of the Independents and to warn the nation of their consequential tendency "to arbitrary government in the commonwealth." The successive revolutions of human affairs may be aptly compared to the lines of a circle, which, put in motion by a given force, constantly pursue the same track and continually run into themselves.

with an injunction to regard the laws of England as their principal rules. They heard complaints from the plantations, they revised their proceedings; and, while they corrected their irregularities, they gave them redress. The colonists thankfully received the boon which was given them, without inquiring minutely into the title of those who conferred it; yet showing, by the uniform tenor of their conduct, that they, who are placed beyond the ken of superintendence, will seldom regard its admonitions, when they feel not the power which supports it.

Of all the plantations, Massachusetts appears to have been the most grateful for recent favors. When she perceived, that the civil wars caused divisions in many places in America, with regard to the contending parties in England, the general court enacted, "that, what person soever shall draw a party for the king, against the Parliament, shall be accounted a high offender against this commonwealth, and shall be punished capitally." Having in this manner secured intestine quiet, by means which disclosed their principles and gained them the favor of the powerful, they turned their next attention to the exclusion of external violence.

The New-English seem to have courted, with great attention, the amity of the original occupiers of the country, whose right of possession they purchased for satisfactory considerations. When provocation incited hostilities, they carried on the war with vigor, and with severity concluded it. And the extirpation of the powerful Pequots, in 1637, gave a dreadful example, which till now had insured the repose of New England. It did not require the sagacity of the rulers of Massachusetts to discover, that the recent turbulence of the surrounding savages must have originated in the intrigues

of the neighboring Dutch on the Hudson. And, urged partly by danger, perhaps more by ambition, they entered into a confederate union, similar to that of the States of Netherlands, with New Plymouth, Connecticut, and New Haven. Formal articles were signed in May, 1643, by which they were in future to be called, "The United Colonies of New England." It was agreed, that a perpetual league, offensive and defensive, should be established, for the propagation of the gospel, for mutual preservation, by common measures at the common expense ; but it was stipulated, that the confederates should each remain distinct in its domestic jurisdiction. The members of a confederacy, that offers the first example of coalition in colonial story, and showed to party leaders, in after times, the advantages of concert, regarded themselves as sovereign commonwealths, since the principles on which they proceeded supposed independence of action and freedom from control. They had hitherto yielded no obedience to England ; and, with respect to each other, there existed no farther connection than that they had once been subjects of the same state. From that epoch, they enjoyed all the benefits which union and energy bring with them, and all the honors that are every where paid to power. Mortified with her solitary situation, Rhode Island petitioned to be admitted into this formidable league, as she felt her own weakness. But she was told, what imposed an effectual bar, that she could not be received into their combination, unless, by submitting to the jurisdiction of Plymouth, she descended from the pleasing preëminence of a separate community. They imposed peace on the circumjacent tribes. They dictated to the Dutch the terms of a treaty with regard to boundaries. And, courted by the French of Canada, who, during the days of its weakness, asked their aid against the

five conjoined tribes of Iroquois, their augmentation of power did not inspire them with greater moderation, because the flatteries offered to their ruling passion did not meliorate the virtues of the heart.

From the era of that famous league, so similar to what we shall meet with in the sequel, Massachusetts acted merely in pursuance of her principles, when she conducted herself wholly as an independent state. She convinced her confederates, by her haughtiness, what mortifications the weaker allies must always submit to. She extended her jurisdiction over the provinces of New Hampshire and Maine, upon such pretences as power will always find. She denied appeals from her judgments to the king or to the Parliament, because an appeal carries with it an admission of supremacy. She established a mint at Boston, which is every where erected by sovereignty alone. And she entered into treaties, with foreign nations, who sought her assistance, since their weaker plantations feared her power. *

The conduct of Massachusetts was too remarkable to escape the notice of the Commons, however much

* We meet with the following striking passage, in a pamphlet published by Major John Child, in 1647, which, with the quaintness of the times, he entitled "New England's Jonas cast up in London." Page 12. "If any man asks, how it is evident there is a such a plot against the laws and liberties of English subjects, I answer; observe how he [Winslow, the New-England agent] would engage the Parliament to be the instruments to stop appeals from all their unjust sentences; and, what a desperate business this would prove, every wise man may easily see. For, being begun at this plantation, by the same rule others might seek it should extend to all other plantations; and then, why not to Ireland? And why shall not example, custom, and fair pretences bring it into Wales and Cornwall; and so over England? And, by the way, mark, reader, his great boasting, '*they are growing into a nation*'; high conceits of a nation breed high thoughts of themselves, which make them usually term themselves *a state*; call the people there their subjects; *unite four governments together, without any authority from the king and Parliament*; and then *term themselves the United Colonies*; are publicly prayed for by that title, not giving forth their warrants in his majesty's name, no, not in the time of the most peaceable government." The plot, which was thus darkly deplored by Child, was what he lived to see realized; the introduction into England of the independent government, with its associations and committees, that converts every county into a kingdom, and every city into a commonwealth.

they approved of her general maxims. Nor were there wanting men, who painted in glowing colors her domestic tyranny, at the same time that they gave warning of her ambitious purposes. While the Council of State sent a fleet to subdue the unfriendly settlements, they informed Winslow, her agent, "that it was expected all process should issue in the name of the keepers of the liberties of England, or that there should be an acknowledgment of the powers then in being by a renewal of the patent." But the general court had the dexterity to foil the men so celebrated for arts like their own, by neither refusing nor complying; a species of conduct which is always the most perplexing, because it is so difficult either to approve of it as right or to oppose it as wrong. And they transmitted an address to the Parliament, stating, in characteristic language, their demeanor during the differences with the late king, by which they suffered the hatred of the other plantations; acknowledging the undeserved favor "of taking off the customs and stopping appeals from hence;" and concluding, "that the things desired not being done in the late king's time, nor since, they were unable to discern the need of such injunctions." And they sent a similar address to Cromwell, begging him to intercede with the Parliament for the favor of exemption. These petitions did not give perfect satisfaction, though they were conveyed in the fanatic eloquence of the times. The indignation of the Commons was aroused, when they beheld the united colonies supplying Virginia and Barbadoes, "though enemies to the commonwealth," with warlike stores and other commodities; and it was debated, whether "their free customs and excise should not be revoked." But the conciliatory application of Winslow, their artful emissary, dispelled the gathering storm. And the ru-

lers of Massachusetts acquired the applause due to the talents of those who had found means, because they practised similar cunning, to defeat the salutary purposes of a body of men, the most renowned in the English annals, for depth of policy, perseverance of design, and vigor of action.

The Parliament, having at length gained complete jurisdiction, exerted their new authority during every session. The favors granted to New England attracted the envy of other colonies. And, owing to their applications, the Commons extended to them, in 1645 and 1646, the same freedom from imposts, for three years, "provided their productions were exported in English ships." In January, 1647, they issued an order "for transportation of commodities to the plantations custom free." In February, 1649, they passed an act "for propagating the gospel in New England, by erecting a corporation in England." The year 1650 forms an era of much political and commercial regulation. Acts were passed "for charging tobacco brought from New England with custom and excise; for prohibiting traffic with Barbadoes, Virginia, or Bermudas; for advancing the trade of this commonwealth." The legislature, having thus exerted the powers of regulation and taxation, thought it just to give the colonies the advantage of monopoly; and, with this design, they two years after "prohibited the planting of tobacco in England." No longer restrained in their proceedings, the Commons, with their ancient spirit, did now effectually what they had during the two late reigns only attempted to do; they performed at present what James and Charles had always done by their proclamations and their charters. And, in the modes peculiar to both, the nation equally exercised a supremacy, either by prescribing terms of submission or exempting them from duties.

Having acted as a commonwealth, distinct and unaccountable, under Charles the First and the Parliament, Massachusetts did not condescend to acknowledge the authority of Oliver, though she asked him for kindness; far less of Richard, who begged favors of her. And she found means, in her address, to elude the requests of Cromwell, yet to pacify his spirit and to retain his good-will. Incited by the solicitations of the neighboring colonies, who envied the prosperity of the Dutch, the protector, with his usual promptitude, detached a small armament, under Leverett, to reduce New Netherlands, recommending at the same time to the New-English to afford his officers every assistance in an enterprise, which had for its end the propagation of the gospel and the vindication of the national rights. All complied except Massachusetts, because, being more exposed, they thought themselves more interested. But the general court easily found excuses in the same topics, that had deceived the Parliament. They sent an address, acknowledging his continued favors; informing him, that, in devotion to his service, they had permitted his officers to raise five hundred volunteers, and had debarred the colony from commerce with the Dutch, but that it seemed most agreeable to the gospel of peace, and was safest for the united settlements, to forbear the use of the sword. By the same arts, they equally disappointed the protector's designs of removing the New Englanders, first to Ireland, and afterwards to Jamaica, without forfeiting his good opinion. And, exempted from commercial restrictions during the civil wars, because the ordinance of 1650 was not extended to them, though a seizure sometimes interrupted their enterprises, trade flourished prodigiously from the admission allowed to all nations; from the traffic carried to France and to Holland, to Italy, and to Spain.

While this influx of commerce spread universal wealth, Massachusetts smiled at the envy of English merchants; while she rejoiced in monopoly, she felt not for the distresses of sister colonies, whom she considered as doomed to reprobation. Thus she acquired habits in her infancy, which, though checked in her youth, were strengthened as she grew up, and became inveterate during her age. And England found continual cause to regret the truth of what had been foretold, when the charter was transferred from London to Salem; "that the New-English, under the pretence of planting a colony, meant to draw themselves apart, and, by removing, free themselves from her government."

We see a new change at hand, in the result of those revolutions, that succeeded the expulsion of the Commons and the death of Cromwell. Whoever reviews the colonial administration of both will find indubitable signs of those manly qualities of wisdom and energy, though attended with some exceptions of fickleness, which, by insuring success on a more conspicuous theatre, conferred celebrity on their names. If, however, they deserve not the praise due to invention, they at least merit the commendation that improvement may claim. With regard to the transatlantic territories of England, they only adopted and carried into practice modes of policy, which had been already exerted by James and Charles, who gained not the applause that completion only confers. In prosecution of schemes of power, amid the circumstances wherein they found themselves, after a mighty struggle, the Parliament and the protector exercised over the plantations every act of human authority. They prescribed for them rules and exempted them from taxes, they required their

submission and enforced their obedience. And there appeared, in their deliberations, more of system and less evasion; in their executive government, more strictness and less inconsistency, than will be found in the consults and the operations of the most powerful of their successors. If they discharged the New-English from appeals to national judicatories; if they exempted them from the observance of the acts of navigation, it only evinces how much fanaticism may derange the wisest minds. The statesmen, however, who enjoy an absolute power, founded in the delusions of the multitude, need not, in pursuit of their objects, inquire after expedients; they who command a standing army, without owing an account to a superior, possess an instrument at once easily handled and decisive in its effects. *

* We first meet with common sense as well as common law, on the subject of colonial jurisprudence, in the preamble of the famous ordinance, passed by the Parliament in October, 1650, when they deemed the colonies in a state of rebellion against their power. "Whereas, in divers islands and places in America, there have been and are plantations, which were planted at the cost, and settled by the people and by authority, of this nation, which are and ought to be subordinate and dependent upon England; and have ever since the planting thereof been and ought to be subject to such laws, orders, and regulations, as are or shall be made by the Parliament of England." Here is a language, which the meanest capacity may comprehend; here is a law, that the sword was drawn to enforce; and here are claims of supremacy, which successive legislators formed into rules for the colonists, that we shall find either eluded or obeyed, according to their principles of hate or veneration.

BOOK FOURTH.

REIGN OF CHARLES THE SECOND.

1660 — 1685.

BOOK FOURTH.

REIGN OF CHARLES THE SECOND.

1660—1685.

CHAPTER I.

THE RESTORATION.—State of the Colonies at this Time.—The Acts of Navigation.—Opposition and Evasion of them.—The King establishes a Council for the Colonies.—Charters granted by him.

Nothing could give more universal joy than a train of events, which restored that monarch to the throne of his ancestors; because, with the king, that constitution, which the wise had approved and the brave defended, was again happily reestablished and improved. At that joyous epoch, there had been completely settled, on the American continent, Virginia, New England, and Maryland, alone; containing, after the emigrations and increase of half a century, no more than eighty-five thousand inhabitants, whose commerce could only be equal to the extent of their labor, whose importance could be merely proportional to their power. Regarding the English plantations as English territories, since they had been settled in order to extend the boundaries of the English empire, and considering the colonists as subjects, who owed submission to English

government, because they had been subjects before their change of habitation, the legislature of England immediately delivered them laws, to which the supreme executive magistrate demanded their obedience.*

Impressed with these sentiments, the Restoration Parliament copied literally the pattern of colonial policy which James the First and his successor had set before them; which had been followed by the Commonwealth and adopted by the protector; which had been before borrowed, probably, by the learned ministers of a learned monarch, from the mercantile practice of the Carthaginians, with regard to Sardinia and to Corsica, as politic as it was severe. In order to make England the staple of her colonies, those princes had prohibited the exportation of their products to other nations, and the admission of foreign ships, of alien merchants, and of alien merchandise; with design to favor the plantations, a monopoly had been given them against the residents within the realm, by commanding that no tobacco should be planted in England; and the Parliament now enacted into laws,† the same regulations which the prerogative had formerly been unable to enforce. In the Punic policy of the legislature, we perceive what must have passed in the mind of Montesquieu, when he remarked, "that the

* An authentic document enables us to take a view of the foreign trade of England at the Restoration, and to compare its general amount with that of her plantations.

VALUE OF THE TRADE OF ENGLAND

	<i>Exports.</i>	<i>Imports.</i>	<i>Excess of Imports.</i>
from Michaelmas, 1662, to do. 1663,	£2,022,512	£4,016,019	£1,993,207
" " 1668, to do. 1669,	2,063,275	4,196,139	2,132,864

VALUE OF THE PLANTATION TRADE

" " 1662, to do. 1663,	£105,909	£484,641	£378,732
" " 1668, to do. 1669,	107,791	605,572	497,781

And, from the inconsiderable amount of the commerce of the colonies, West Indian and North American, forming an adverse balance of trade, we may infer with regard to the extent of the continental alone.

† 12 Cha. II, ch. 18 and ch. 34; 15 Cha. II, ch. 7; 22-3 Cha. II, ch. 26.

design, in the settlement of colonies, was the extension of commerce, not the foundation of a new empire." But it was less difficult to establish that system which thenceforward was denominated "the acts of navigation" than to execute them; it was more easy to demand obedience to their rules than to procure conviction of their rectitude. Those commercial regulations were not readily obeyed by Virginia, because she affected not to comprehend them; they were opposed by Massachusetts, because she thought them an invasion of her rights; and Maryland evaded what she found contrary to her interest. The conduct of all parties only shows, that hesitation on one side seldom engages obedience on the other. James, and Charles, and the Commonwealth had, by their edicts, exempted the colonies from taxes. The Restoration Parliament extended the customs of tonnage and poundage to every dominion of the crown, on every quarter of the globe.* The colonists did not, however, for years obstruct the collection of those imposts, either as unconstitutional or as inconvenient, since they did not feel the burden of duties, which were not actually demanded.

The Parliament had scarcely adjourned, when Charles the Second performed the promise that he had solemnly made at parting. He endeavored to carry into effect the various regulations, foreign and domestic, which they had thus enacted into laws. He established in December, in 1660, a Council for the Colonies, that was invested with the power of general superintendence, and charged with the execution of the commercial system, which soon became the favorite of England, because it formed the basis of her power. One effort alone demonstrates that a Board, respectable less for their

* 12 Cha. II, ch. 4.

numbers than their quality, executed their trust with great care and ability. In January, 1661-2, they desired the lord-treasurer to present their advice and request to the king "to agree with such as have any propriety in his plantations, and to take the same into his own hands, in order to prevent the granting of any for the future." During the same year, Sir William Berkeley, who had acquired his experience in Virginia amid the contests of the preceding usurpations, inculcated the same salutary doctrines on the public, by insisting, in prophetic language, "that those grants will, in the next age, be found more disadvantageous to the crown than is perceptible in this." But princes and ministers, like the individual, are warned, yet sin, repent, and sin again. Notwithstanding the monitory example of Massachusetts, the prudent advice of his Council, the remonstrances of Berkeley, Charles the Second granted the charters of Connecticut in 1662, of Rhode Island and Carolina in 1663, of New York in 1664, of Pennsylvania in 1681; framed, indeed, according to the law, as it was understood at those successive periods by the men who pretended to know it the best.

CHAPTER II.

VIRGINIA.—Joy at the Restoration.—Loyalty of the Assembly.—They impose a Tax on exported Tobacco.

THE Virginians received the news of the Restoration with the joy which men naturally feel when relieved from dread of punishment. The acts of their first assembly evince equally their afflictions during the usurpation and their present satisfaction under a governor, who had shared in their sufferings and now partook in their festivity. While they acknowledged their obedience to the laws of England, they declared their purpose, at the time that they reviewed their code, "to adhere to those excellent and refined customs of their native land, as nearly as the capacity of the country would admit." And the foundation of that system was then laid in public and private satisfaction, that has upheld their constitution, with little reparations, to the present times. Berkeley no sooner laid before the assembly a recommendation from the Council for Colonies, "that they should bear their own charge and be no longer burdensome to the crown," than they imposed with that design a tax of two shillings a hogshead on tobacco exported, which had been first established during the late tyranny; which has, however, been always paid by others, since they exempted themselves from duties. And the interested practice, thus begun, continued with few deviations, to the present day. Let the Virginians remember, when they mention the failings of Charles the First, that, while he was the poorest gentleman in his kingdom, he supported their progenitors while they were yet needy.

CHAPTER III.

MARYLAND. — Effects of the Restoration. — Calvert assumes the Administration. — Fendal and his Accomplices.

MARYLAND rejoiced at the Restoration with the temper of her proprietary, who was pleased with that happy event in proportion as he perceived that his private interest was promoted by public quietude. During the hilarity of the moment, Charles the Second chose to forget that Baltimore had joined his opponents amid the late scramble for power. And that monarch commanded his colonial subjects to assist in the reestablishment of the proprietor's authority in the province, as he seemed at the same time to resume his own. Calvert took upon him the administration, in December, 1660, without opposition, because a few feared revenge and many hoped for favor. Fendal, who had betrayed all parties, was justly found guilty of treason; but was pardoned, on paying a moderate fine. His accomplices received forgiveness without prosecution, because policy required that where many had been guilty few should be punished. And recent irregularities were passed over in silence, in order that every one might blot from his remembrance the unpleasantness of the past and look forward only to the gratification of the future.

CHAPTER IV.

MASSACHUSETTS.—Unwelcome Information of the Restoration.—Complaints against the Colony.—Exculpatory Address to the King.—Principles claimed by the General Court.—Charged with Delay in proclaiming the King's Accession.—Commanded to send Agents to England to answer Charges.—Nature of the Proclamation of the Accession.—Agents sent to England by the General Court.—Reciprocal Jealousy between the King and Colonists.—Contradictoriness of Principle and Practice in Colonial Administration.—Impeachment of Clarendon.

THE joy or facility with which the southern colonists submitted to the government of England at the Restoration, forms a striking contrast to the gloom and the dilatoriness of the fanatics of the North. Though Whalley and Goffe, who fled from the approach of their sovereign, because they had sat in judgment on his father, brought the unwelcome news of the king's return, in July, 1660, Massachusetts would not believe what she did not wish to be true. When she was at length convinced, not only that the affairs of England were completely restored, but that complaints had been made against her to the prince and to the Parliament, she hastened, in December, 1660, to transmit an exculpatory address to the monarch, whose success she regretted. A paper, containing a similar justification, and praying for similar favors, was sent to both Houses of Parliament. She wrote letters to separate members "to intercede for the colony." And she instructed her agent "to endeavor to procure the renewal of the ordinance of 1642, that freed New England from custom." But the days of fanaticism had, happily, passed away, and

the Commons had already extended the duty of tonnage and poundage to every territory of the crown. The address to the king was graciously received, because compliment, though awkwardly expressed, from such a people, on such an occasion, was extremely welcome.

Incited by their ancient principles, the general court not long after appointed a committee "to discover what duty the people owed to themselves and what obedience was due to England." In the true tone of sovereignty, they declared on what terms they would be connected with the state; resolving, with their original spirit of innovation, "that under the charter, which was the main foundation of their civil polity, the governor, assistants, and *select deputies*, have full jurisdiction for the government of the planters there, without appeals; that any burden imposed on them, contrary to their ordinances, is an infringement of the people's rights; but that they owed allegiance to his majesty, were bound in their exertions of legislation to regard the laws of England; and that the royal warrant for apprehending Whalley and Goffe ought to be faithfully executed." The conflict between their maxims of independence on the one side, and the fears of offending England on the other, involved their declaration of rights in such a maze of contrariety, that he who does not read with uncommon attention, cannot easily disentangle. And the regicides, who successively found a welcome asylum in New England, here died in a good old age in peace, notwithstanding every exertion to apprehend them.

These proceedings, so characteristic of the parties, and their tendency, did not escape the attention of persons whose vigilance was quickened by sense of injury. Information was lodged at the Court of Charles

of studied delays in proclaiming his accession. Complaints of former oppression were renewed against the general court, with all the earnestness of real suffering; and Gorges and Mason, the proprietors of New Hampshire and Maine, prayed for redress with the fervor of men who had been deprived of provinces. Urged by compassion, less than by prudence, that monarch commanded the governor and assistants "to send agents to England to answer those various accusations." And his orders were attended on that occasion with real effect, because tidings, though untrue, had reached Boston, "that three frigates would soon be sent thither with a general governor over all the colonies."

Fearful of expected invasion, the rulers proclaimed Charles the Second in their several towns, in August, 1661, king of England and her territories, after a variety of debates, which show how much they were agitated by contradictory passions; but with some circumstances of insult, and in such doubtfulness of language, as to leave the colonists room to infer, that he had derived his kingdom from recent election. More alarming information from England induced the general court, in December, 1661, to send two agents thither "to represent their loyalty and to take off objections." Having consented to perform an unpleasant service, Norton and Bradstreet demanded "public assurance, that, if their persons were detained, their damages should be made good." The chancellor was courted by letters, professing obedience; and the puritanic nobles were interested by recitals of scriptural jargon. Notwithstanding the apprehensions of the agents, which demonstrate their own fears and their country's misdeeds, they were received with attention at court, because declarations of submission from a rugged people are always of importance. Their safe return, not long after, was celebrated

as a day of thanksgiving "for the continuance of the mercies of peace, liberty, and the gospel." But, though that monarch had promised to confirm their charter, and with it their usurpations impliedly, he required some things on the part of the colonists which were thought hard to comply with, since they contradicted ancient prejudices. And, of all his reasonable requisitions, none was listened to but that one alone, which commanded that legal proceedings should be transacted in the royal name, because this flattering compliance did not impose a burden, or give energy to law. A reciprocal jealousy then began, that ended only with the cancellation of their patent and with the period of his existence. It required not his sagacity to perceive, that, though a compliment had been paid to his power, he possessed little more real authority in Massachusetts than in Venice or in Holland. On the other hand, they thought they saw, in his progressive endeavors to reclaim them to legal submission, every chartered privilege gradually taken away. And thus it is in the different manner with which the Restoration was announced by the different colonies, that we must look for their distinguishing features of attachment, and thence infer what will be their future conduct.

The colonial administration of England exhibits, at the Restoration, such a contradictoriness between principle and practice, as is unexampled in the annals of any country. The Parliament had enacted successive laws "to keep the plantations in a firmer dependence;" the royal Council for Colonies had recommended the same rational policy; yet charters were at the same time granted, which gave various territories such extensive privileges, as to leave the state without jurisdiction and the king without prerogative. Moved by the pas-

sion of the times or instigated by the intrigues of courtiers, who sought a pretence, the Commons impeached Clarendon "for introducing arbitrary government into the plantations." This memorable accusation is supposed to have originated from the chancellor's concurring in a resolution to introduce into Jamaica the modes of Ireland, with regard to the making of laws and the granting of money, since the assembly had been found, even in those days, refractory. Had they accused him of granting improvident powers, destructive of the interests of England, that reflect as little honor on his understanding as a man as on his sagacity as a minister, or of dispensing with the acts of navigation, he would have been without defence.

CHAPTER V.

RHODE ISLAND and CONNECTICUT.— Difference of the Charters granted before and after the Restoration.— Powers given to Rhode Island and Connecticut.— They transgress their Limits.— Purely Democratic.— Rhode Island declares that no Taxes shall be levied without the Consent of the Assembly;— That Roman Catholics shall not enjoy the Rights of Freemen.— Intolerance in Connecticut.— Acts of Navigation set at Nought.

It was owing to that inconsistency of spirit, which has indeed too much at all times animated the councils of England, that colonial charters were conceded soon after the Restoration, extremely different from those of the preceding period. The ancient grants had given jurisdiction over the emigrants to commercial companies within the realm; the present patents established politic bodies beyond the ocean. The plantations of Rhode Island and Connecticut, which, under voluntary associations, had for thirty years acted as independent commonwealths, were formed into local corporations for their future government, with only this restrictive limitation, "that it should be according to the course of other corporations within the realm." The assemblies, which were thereafter to be composed of a governor, assistants, and delegates of the freemen, were empowered to establish territorial regulations, with this qualification, "that they should be reasonable in themselves, and not contradictory in principle to the laws of England;" but over their acts of assembly there was no power of revisal reserved, either to the king or to his courts of justice; nor was there any obligation imposed

to give an account of their transactions to any authority on earth. The corporations, within the realm, placed under the superintendence and coercion of domestic judicatories, seldom swerve from the line of regular duty; the corporations of Rhode Island and Connecticut naturally transgressed their chartered limits, since there existed no formal remedy, when they made laws, unreasonable in their provisions or illegal in their policy. When in after times the Rhode Islanders applied to their sovereign for relief from the oppressions of the acts of their own legislature, from the frauds of a depreciated currency, a king of England told them, by the advice of the ablest sages of the law, that he could afford them no redress, since his misadvised predecessor had divested him of all jurisdiction. Rhode Island and Connecticut formed therefore pure democracies, since the freemen exercised without restraint every power deliberative and executive. Like Ragusa and San Marino, in the old world, they offered an example to the new, of two little republics embosomed within a great empire.

In this singular character Rhode Island immediately acted, without regarding the terms of her charter, however favorable to her views. The first act of the assembly was to declare, in the genuine language of sovereignty, "the privileges of the people;" insisting, contrary to the practice of English corporations, "that no taxes shall be levied on the freemen without their own consent in assembly." Disregarding that blessed clause, which gave toleration to every sect without distinction, the legislature declared "that Roman Catholics shall not enjoy the rights of freemen." What a fine opportunity was thus given by forward bigotry, to establish a monitory precedent for the colonies, that a local legislature may pass an act in itself void, by means which the

law of England might have found in itself. A papist might have gone into a court of justice in Rhode Island, and claimed toleration as his chartered privilege, which a corporation, deriving its power from charter, could not take away or abridge. If the judges, incited by the fanaticism of their lawgivers, had rejected his plea, he might have appealed to the King in Council, as to a court of ultimate jurisdiction, who, at least, would have heard his arguments, perhaps have determined, that the act of which he complained was void in its creation; because it was unreasonable and contrary to charter; because it was subversive of that principle of the jurisprudence of England, from which it is inferred, that every corporate body, every subordinate legislature, must restrain itself within the bounds of its creation. But an association of Roman Catholics, for the support of a legal right, had been deemed probably the first step towards a rebellion. The assembly with the same spirit confirmed, during their first session, the usages, religious and political, which had been adopted during the seven and twenty years of associated times; which, as they proceeded from the habits of the planters, long influenced their public conduct as well as private manners.

CONNECTICUT assumed the same policy and acted a similar part, as she was animated by the same sentiments and possessed the same powers. Like the prejudiced Rhode Islanders, she too engaged in the ungracious work of persecution, but with a fiercer bigotry; inflicting penalties on "heretics" by such indefinite expressions, as seemed to include every sect, the Independents only excepted. Protestants ought to remember, that every hardship, imposed on men for their conscientious belief of what may be deemed by

others either irrational or impious, is a persecution in proportion to its extent, and, while they inflict the penalty, that they adopt the tenet of the papists, by departing from protestantism, the essence of which is dissent. Both colonies despised the just injunctions of their sovereign, as there existed no mode of coercion, and neither allowed any appeals from its tribunals to the judicatories of England, since from their charter they claimed final authority. The acts of navigation were set at nought, because they saw their interests affected, while they thought a breach was made in that freedom of commerce, which all men ought to enjoy from the dispensations of nature. The prophecy of Berkeley was long remembered ; but the successive exertions of ages did not regain the parental sway, which the imprudence of a moment had relinquished.

CHAPTER VI.

NEW ENGLAND.—Withdrawal of Correspondence with England.—Conciliatory Letter to the New-English recommended.—Commissioners from England with Instructions to reduce the New-English to Subjection.—Inimical Reception of them at Boston.—Communications from the General Court to Charles the Second and others.—Altercation with the Commissaries.—Their Authority denied.—They depart from Boston.—Connecticut, Plymouth, and Rhode Island, and the Commissaries.—The Impression made on the King.

URGED by reiterated complaints, as vehement as they were well founded, the lords of the Council for Colonies represented to Charles the Second, in January, 1662-3, "that New England hath in those late times of general disorder strayed into many enormities, by which it appeared, that the government there have purposely withdrawn all manner of correspondence, as if they intended to suspend their absolute obedience to his majesty's authority." Fearful of giving cause of farther separation, the Council cautiously advised, that a conciliatory letter should be written to the New-English; taking no notice of their adhering to the regicides, Goffe and Whalley, nor pressing upon them the acts of navigation, as in other colonies. In order chiefly to gain a true state of colonial affairs, that monarch determined, in April, 1663, to send commissioners thither; who were secretly ordered "to give no time for those secret jealousies to grow, which are natural to the place, nor for the like infusions to be transmitted from hence, where many people are who wish not success to your

employment." Desirous to reduce the New Englanders to a just submission to his government, he instructed his agents to procure if possible an exact observance of the charters; to obtain the repeal of such ordinances as had been passed, during the usurpation, contrary to the royal authority; to acquire the nomination of the governor and the command of the militia. But, with a laudable spirit, he at the same time directed them to encourage no faction; to countenance no change inconsistent with their ancient usages, unless first moved in assembly; to solicit no present profit, which was deemed unseasonable; to propose no measure that may be construed an invasion of liberty of conscience, since it was his hearty purpose to maintain it; and, in order to pay a proper regard to their prejudices, the chaplain of the commission was directed not to use the surplice, since none had ever been seen in New England. The commissioners, Nichols, Carr, and their associates, departed; expecting much from their own talents, but more from the prudence of their orders and the weight of their authority.

Intelligence of that unwelcome measure, as well as that the commissioners brought with them a powerful armament, soon reached Boston. Actuated by their fears, perhaps more by their jealousy, the inhabitants made speedy preparations to receive the men sent merely to inquire and to reform, as if they had been enemies, who meditated invasion and conquest. The charter was ordered to be kept secret for the country. The governor and council resolved "to bear true allegiance to his majesty, but to adhere to a patent so dearly earned and so long enjoyed." Neither party, however, seemed desirous to construe the original grant according to its original import, or to restore the corporation to London, its pristine site. The one deemed every

superinduced innovation, as the enjoyment of "select deputies," to have been a part of the ancient charter; to have gained the nomination of the governor and the command of the militia would have given perfect satisfaction to the other. The general court, perceiving, however, that the power of the commissioners "might be stretched to the subversion of their all," transmitted an address to Charles the Second, complaining of misrepresentation of adversaries and begging for a revocation of the object of their dread. They sent letters to several of the nobility, suing for favor. They endeavored to soften the chancellor by arts which were used in vain, because their purpose was penetrated. And their complaints were regarded as groundless, since they were founded in imputations contrary to the royal intention; their petition was deemed unreasonable, as it preferred no accusation.

Those jealousies immediately arose which had been foreseen, and altercation soon occupied the place of treaty. Having watched the conduct of the royal officers, the governor and council at length expressly denied the validity of the royal commission, because they had predetermined to admit of no alteration. And the commissioners attempting to hear a complaint which threw imputation on their judicial conduct, since it impugned their power, they prohibited every one by sound of trumpet from abetting designs "so inconsistent with their duty to God and their allegiance to the king." Finding it fruitless to contend longer against the stream of opposition arising in prejudice, the commissioners departed from Boston; denouncing those threats of punishment, which impotence never fails to employ against the objects of its vengeance; and giving warning to their opponents "not to suffer themselves to be so much misled by the spirit of inde-

pendency; for the deserved destruction of some of those, who of late made use of the king's authority to oppose his power, yet pretended his defence, we think, might deter all from broaching such illusive sophisms." When they finally sailed for Eng and Massachusetts showed by her conduct, at once spirited and contemptuous, how much she despised their threatenings and disregarded their admonitions.

Less bold, because less powerful, Connecticut, New Plymouth, and Rhode Island affected to comply with the commissioners' proposals of reformation. But, when the cloud had passed away and the danger seemed no longer near, the New Englanders paid little regard to regulations that appeared to have been extorted by terror. The unsuccessful issue of a transaction, from which had been expected, though without cause, a small augmentation of power, without any additional revenue, made an impression on the mind of Charles, that produced the most important consequences, because in all disappointment there is dissatisfaction. He was disappointed, because he employed means disproportionate to the end. Nothing was equal to the thorough reformation of a government, whose every maxim and every action were so contrary to the original intention of the grant, as well as to the jurisprudence and interest of England, but the authority and the power of an English Parliament, wisely directed and steadily applied.

CHAPTER VII.

NEW YORK.—Success of the Commissioners.—The Dutch Settlements.—Grant to the Duke of York.—Expedition, under Nichols, against New Amsterdam.—Its Capitulation.—Named New York.—Administration of Nichols.—Privileges granted to the Dutch.—New Netherlands exchanged for Surinam.

WHILE the commissioners were thus unable to regulate the ancient plantations of England, they successfully executed that part of their instructions, which commanded them to gain a foreign colony, either by intrigue or conquest. Having nestled, in 1625, within the undoubted limits of New England, the Dutch had enjoyed New Netherlands during the distractions of the reign of Charles the First, without any other interruption than what they received on the northeast from the New-English in 1633 and 1639, who forced them from the river Connecticut, and from the Marylanders on the south, who claimed and attempted to occupy the banks of the Delaware, in 1641. In what light to view those intruders, whether as subjects or as aliens, for some time perplexed the ministers of Charles the Second. When it was determined, at length, that New Netherlands ought in justice to be resumed, since they had been settled contrary to the law of nations, that monarch granted, in 1664, to the Duke of York, the region extending from Connecticut to Delaware, with power to govern it when it should be gained.

Having arrived in their defenceless harbor with three frigates and three hundred English soldiers, with the

promises of New England, Nichols easily obliged Stuyvesant, the Dutch governor, to surrender, in September, 1664, New Amsterdam, by a capitulation that gave them the privileges of subjects and more; as he allowed them a free trade to Holland, which, however liberal on the part of the conqueror and advantageous on the side of the conquered, could not be granted without dispensing with law. The inconsiderable colony, consisting rather of distant factories than of contiguous settlement, which his prudent conduct more than his petty armament had won, the general named New York in honor of its high proprietor. And since the king, as supreme commander, might have governed a conquest by military law, the Duke of York presumed, with his usual temper, that he enjoyed from a most defective charter equal authority. Nichols, therefore, as his deputy, ruled the colonists as a conquered people, but with a moderation and good sense, which gained him the applause of the governed and the approbation of his superiors. Having adopted, with a commendable policy, the prior customs of the Dutch, he continued the court of assizes, which, composed of the governor, the council, and justices of the peace, was invested with legislative, judicial, and executive power. That singular legislature formed the ancient usages into a code, which, with such additional rules as conquest made necessary, was confirmed by the Duke of York, because, without his approbation, it was supposed to be invalid. In order to defray the petty expense of a petty government, the court of assizes imposed a general rate on the estates of the inhabitants without their consent, since men so lately subdued were deemed unworthy of suffrage. Happy they who derive a thousand benefits from subjection! Few, perhaps none, of the Dutch removed from their ancient plantation, where they enjoyed now

greater privileges than they had ever done before under the double administration of their West India company and of their republic. The peace of Breda confirmed New Netherlands to the English, in exchange for Surinam, a settlement, disjointed and unhealthful; yet a measure, so convenient to the colonies and so useful to England, was then regretted with the characteristic prejudice of contemporary politicians, who deplore what we relinquish but deride what we enjoy.

CHAPTER VIII.

NEW JERSEY. — Grant to Lord Berkeley and Sir George Carteret. — Difficulty about Quitrents. — Expulsion of Carteret and Election of a Ruler.

WHILE the Dutch yet remained in quiet possession of New Netherlands, the Duke of York transferred that part of their territories to Lord Berkeley and Sir George Carteret, which soon acquired the name of New Jersey. Supposing himself invested with absolute power, he conveyed to his favorites not only the soil, but such jurisdiction as he presumed that himself possessed. To this dreary waste, inhabited then by the wolf and the savage, the proprietors invited settlers by every topic of praise and by every assurance of privilege. While the adventurers were yet busy with those objects, which must occupy all men who settle a wilderness, they found no leisure for complaint. But, as the first payment of quitrents was to commence in March, 1670, they, now discovered that they were aggrieved; that, as every promise had not been complied with, they ought not therefore to pay. Altercation degenerated into discontent and dissatisfaction soon ripened into insurrection. Taught by the lessons of New England, their original country, they expelled Governor Carteret, in November, 1672, and in his room chose a ruler for themselves. The conquest of the Dutch, however, in the subsequent year, gave them no leisure to enlighten the world with a new system of laws, in return for the bad example, which they had thus shown by their turbulence. While the proprietors felt the mortification

of disappointment, they began to perceive the truth of what had been early foretold, "that the settlement of a desert would cost them an immense sum without yielding a penny, and would only become an estate when they could no longer enjoy either the flatteries of empty praise or the benefits of substantial profit."

CHAPTER IX.

DELAWARE COUNTIES.—Assumption of Government by the Duke of York.—Administration of Nichols.—Always dependent on more powerful Neighbors.—Governed by Usurpation.

THE Duke of York not only conceived that he might transfer what he had some right to convey, but that he might assume the government of a territory to which his grant, bounded by the eastern bank of the Delaware, did not extend. That parcel of New Netherlands, which extended in a narrow slip along the southwestern margin of that commodious river, which had been continually claimed by Baltimore as part of Maryland, equally submitted to Nichols, in October, 1664, and was equally governed by him as the duke's deputy with the authority of a conqueror, though with the same moderation, that likewise insured the happiness of the governed. And he ruled it as a dependency of New York, which, with the insignificance of its situation, continued to feel her mortifications and to rejoice in her prosperity. It has been the singular fate of this little colony, that afterwards acquired the name of "The Delaware Counties," to have been always in some measure dependent on a more powerful neighbor; to have been at all times governed by an usurped title, if he is an usurper who rules without a right.

CHAPTER X.

CAROLINA.—Territory conferred on Clarendon and others.—Features of the Charter;—Of Patents granted under Clarendon.—Difficulties between the Proprietaries and Commissioners of the Customs as to encouraging Settlers.—Locke's Fundamental Constitutions.

IN the mean time that region, extending southward from the thirty-sixth degree of latitude, for which France and Spain had formerly fought, which successive sovereigns of England had granted to others, was conferred, in 1663 and 1665, by Charles the Second on Lord Clarendon, and other courtiers; who, while they wished to gratify their avarice or ambition, pretended, like the fanatics of the preceding age, to be moved with a pious zeal for the propagation of the gospel. Copied literally from the charter of Maryland, the several patents for Carolina seemed to have conferred similar privileges on the people and powers on the proprietors. At the same time that these settlers were declared to be English subjects, entitled to the rights of Englishmen, those noblemen were constituted absolute lords of the soil, and, in jurisdiction, counts-palatine, with royal rights. While the most animating immunities were given, however, to them and to their tenants, nothing was reserved to the king or to the nation, except the sovereign dominion, without power of superintendence, or means of coercion. It is impossible to peruse the patents granted while Clarendon held the seals, to Connecticut and Rhode Island, to New York and Carolina, without feeling a mixture of contempt and indignation; contempt

for the imprudence that gave any charters after the warnings of public and private men with regard to their dangerous tendency; and indignation at the inattention to national interests which conferred such improvident privileges.

While the proprietaries invited settlers from every dominion of the crown by every motive that could win attention, and by every encouragement which could insure residence, the commissioners of the customs opposed their proceedings. With a laudable spirit, they remonstrated to the ministers, in language which shows what impression those operations had made, "against the encouraging of the people to remove to the plantations, as too many go thither to the ruin of the kingdom." So long as men form their opinions from their interests or their situation, they must continue to think differently on the subject of public and private measures. The settlement of colonies we have seen at all times opposed as disadvantageous to the state. The practice of colonization, nevertheless, continued with the approbation of the wisest men till the sad epoch, when judicious politicians advised, contrary to the inclinations of their age, detraction, as the only remedy for a distemper, old, inveterate, and incurable.

Several inconsiderable but distinct settlements were successively formed along the Carolinian coast, the chiefs of which for years in some measure governed themselves and directed the affairs of their followers. The emigrants encountered similar difficulties to those which had disconcerted their predecessors; they died by the same strokes of death, and their progress was long retarded by the same mode of obstruction. Dissatisfied with every system which had been hitherto granted to the planters, though they seem not

to have complained, the proprietaries applied to a philosopher for a form that should at once be "agreeable to the monarchy of which Carolina is a part, and avoid making too numerous a democracy." And Mr. Locke gave them, in July, 1669, "the fundamental constitutions;" which, consisting of one hundred and twenty articles, and establishing a variety of perplexing jurisdictions, were declared to be sacred forever. But what was intended to restore, in Carolina, the old Saxon government in England, was not kindly received by a people who were not Saxons; who did not readily adopt what they did not approve, because they had not been consulted; and who not long after exploded this learned system, so contrary to the New-English democracies. Dissatisfaction introduced animosity, and animosity in its turn brought forth change. Yet, carried forward by that confidence in their own good fortune or talents, which urge men to pursue the unsuccessful track of others, the proprietors continued to promote the settlement of Carolina, till successive disappointments began to quicken apprehension; and they at last discovered, that they had expended a considerable estate upon an enterprise, which had yielded to them neither satisfaction nor profit.

CHAPTER XI.

THE COLONIES.—General Policy of Parliament.—Fisheries.—Colonial Monopoly of Tobacco.—Duties on the Exports of Colonial Productions.—Mode of collecting the Duties.—Evasion of the Revenue.—Custom-Houses.—Reception of the Collectors.—Income from the Customs.

WHILE the ministers were thus actuated by contradictory councils, and established colonial systems, the future incumbrance of which they seemed determined to overlook, the Parliament continued their former policy, since they were incited only by what they thought the advantage of England. During the session of 1672, they encouraged the fishery of residents within the realm, while they laid restraints on that of the provincials; judging wisely that the fleet of England must be always navigated by sailors, who, being bred within the kingdom, may be obtained at the call of danger, either by force or influence. Yet in favor of the colonies they enforced the monopoly of tobacco, by enabling the magistrate to destroy what should be planted in England. Observing that the New-English, blessed with no native staple, carried on a circuitous commerce, by transporting to foreign nations the tobacco of the continent and the sugar and dyeing-woods of the islands, the Parliament, partly in order to check that disadvantageous traffic, but more to subject the colonists to the same duties which British residents had long been compelled to pay, imposed various taxes on the export of such commodities as the plantations then only produced.*

* 25 Chs. II. ch. 7.

Placed under the superintendence of the treasury, those duties were directed to be levied in the colonies by the same officers, under the same power, as the customs were already collected in England. The Restoration having put a period to every term of exemption; the acts of tonnage and poundage having never been enforced in America, the present measure formed the seed-plot, on which was raised the subsequent system of colonial revenue; which, however, grew up stunted and unpromising, because its progress was obstructed, since the law was eluded.

The governors had been the most early custom-house officers. Though they were paid, however, specific salaries for executing the laws of navigation, they acted feebly, perhaps dishonestly, since the Privy Council threatened them with punishment, not for acting weakly, but for acting wrong. Regular custom-houses were not long after erected successively in the colonies, though not on the extensive plan of modern times. The revenue officers were received, in different provinces, with kindness or with opposition, as the provincial principles led them to regard England with reverence or with jealousy. The assemblies of Virginia and of Maryland recognized "the collectors" as legal officers; distinguishing between "country dues and parliamentary customs." But we shall find the collector opposed in New England with every circumstance of cunning and force. From that period there has existed, in colonial policy, a twofold collection of taxes on imports and exports; the provincial duties, established by the assemblies, and collected by the naval officers; the subsidies, granted by Parliament, and levied by the collectors. What can be more remarkable, than the rapid progress with which the commerce of the plantations has advanced to real greatness! Nothing can be more

striking than the fact, that, though customs have, from time to time, been imposed on their traffic in its exaltation, the income arising from them did not, at the expiration of a century from the introduction of custom-house officers, amount to more than three and thirty thousand pounds. The year 1676 may be regarded as the epoch, when the collectors of revenue were first sent thither under parliamentary sanction.* In 1776 they were formally expelled by a body of men, who regarded themselves as the representatives of the colonists, convened in a congress.

* The colonial income, arising from that system of finance, yielded, in 1677, £503 2s. 8d.

CHAPTER XII.

NEW ENGLAND. — Complaints of the Traffic with Foreigners. — Resolutions of the Lords of the Committee for Colonies. — Messengers despatched to Boston with them. — Emissaries to England. — Their Success in procuring Information. — Agents sent to England to answer Complaints. — Proposition by them respecting Duties and Importations without entering first in England. — Delinquencies charged. — Reformation demanded by the Committee. — Information sent to New England. — General Court Flattery. — Their Remarks on Trade and Non-Representation in Parliament. — Randolph appointed first Collector of Boston. — Controversy between the King and General Court. — Attempts to win the King; — To bribe him. — The General Court will not resign the Charter. — Charges of high Misdemeanors brought against the Corporation by Randolph. — The Judgment.

It required the exertion of years to introduce that system of regulation and of revenue among a people, whose primitive habits led them to oppose every exertion of English government. As the acts of navigation "had not been pressed upon them," they exercised a freedom of commerce to every European nation; which, while it enriched their traders, provoked the envy of men, whose complaints are generally heard, because they are always confident. In 1675, the English merchants and manufacturers represented to Charles the Second, "that the people of New England, disregarding the acts of navigation, not only traded to most parts of Europe, but invited foreigners to traffic with them; which would not only ruin the trade of this kingdom, but would leave no sort of dependence from that country to this." Urged no less by the truth than by the weight of this remonstrance, the lords of

the committee for colonies determined "to settle collectors in New England, as in the other places, that they might receive the duties and enforce the law." But, should the officers be obstructed, it would be proper "to forbid the other plantations to trade with them; to order the captains of the royal frigates to bring in offenders; to grant no Mediterranean passes to protect their vessels from the Turks, till it is seen what dependence New England will acknowledge on his majesty, or whether his custom-house officers are received." In this reasoning, and in this determination, it is easy to trace what must have passed in the minds of both parties. A special messenger was despatched to Boston, in 1676, with those vigorous resolutions, who was ordered "to cause the royal commands to be read in full council." And they were attended with more than common success, because it was known, that threats, supported by popular clamor, would be executed with unusual perseverance.

Though no standing agents were maintained in England during that reign, the general court were faithfully served, by various emissaries, by Collins, Thomson, and others, who intrigued for them, and transmitted intelligence. From the clerks of the Privy Council, who were retained in treacherous pay, they procured the justest information and even the state papers. Perfectly acquainted by this means with European affairs, the ruling men at Boston were enabled to draw every advantage from distractions, either to act with moderation or with firmness, as Charles the Second was embarrassed with faction or triumphed in success over his opponents, domestic and foreign. They sent agents to England, in 1677, to answer complaints, but instructed with such cautious restriction, as to leave them no authority. And these envoys of-

fended by the coldness of their declarations, since they could not consent to the plan of reformation, that had been at length resolved on. While they set forth, in declamatory language, the burdens which depressed the commerce of their constituents, "they professed their willingness to pay his majesty's duties within the plantation, provided they might be allowed to import the necessary commodities of Europe without entering first in England." They made that memorable tender in vain, since it was determined "to search the conduct of New England to the very root." The lords of the committee for colonies delivered, with this intention, a specific list of delinquencies, which all originated in the innovation of applying the charter, given to a corporation within the realm, to the government of a community beyond the ocean. And reformation was demanded, at the same time that they were desired to consider, "whether the corporation had not by mal-administration forfeited its powers, so as to be now at his majesty's disposal."

The agents heard, with regret, the complaints of the people of England against their countrymen; and they gave them notice, that, while the reiterated persecution of the Quakers lost them many friends, "the country's not observing the act of navigation had been the most unhappy neglect of any." For this information they were not thanked, because it was honest. It is to be feared, that the despatches of greater messengers are well received, not in proportion as they are true, but as they are pleasing. While the general court used every pious art "to remove the judgments of the Lord," they endeavored to mitigate the resentment of the English administration by flattery, which is found so often connected with the most profound hypocrisy. They affixed the penalty of death to high treason, and required

every one to take the oath of allegiance, because they had given offence by renewing lately the oath of a freeman to the commonwealth. They exhibited the ensigns armorial of England in their hall of assembly, since this circumstance might gratify, yet could neither impose a tax nor suppress the irregularities of the smuggler. But "it was a more difficult thing to conform to the acts of trade," which they told their agents were an invasion of the rights of the colony, "the people not being represented in Parliament;" yet, since their observance had been insisted on, they had passed an ordinance, "requiring masters of ships to yield faithful obedience." While they, in confidential language to their friends, claimed exemption from English legislation, because "the laws of England, bounded by the four seas, did not reach America," to the secretary of state they excused the colony, by endeavoring to palliate what they could not deny; by remarking, "that it was impossible to prevent some vessels going to France and Holland, the owners of which paid the duties, but they had never traded irregularly for more than five thousand pounds a year." Their practice continued while their apology was no more remembered.

Affecting to be pleased with the late conduct of the general court, with a confession of guilt, which generally carries with it a desire of reformation, Charles the Second determined "to keep the affairs of New England in a fair way of amendment, till a fitter season allowed him to regulate the government." Yet, encouraged by late concessions, he appointed Randolph the first collector of Boston, in May, 1678, though the lords of the committee of colonies at the same time foretold, "that no good was to be expected from the single endeavor of one man, till, by a general reformation of abuses, New England is reduced to such a

dependence as is yielded by the other colonies." Randolph, an officer vigorous and penetrating, instantly discovered the justness of this reasoning. He encountered affronts and discouragements enough, because he was regarded as an invader of their rights and an obstructor of their traffic. And he returned to England, in 1680, with a mind soured by disappointment, to complain of difficulties, that had thus been foreseen; to solicit support, in opposition to the principles and practice of a people. But the general court endeavored, meantime, by trivial compliance, to blunt the force of accusation; to ward off the blow levelled at their charter, by swearing the governor to execute the acts of trade; by revising their Jewish system, so contrary to the laws and the interest of England; because men, who think themselves peculiarly favored by heaven, seldom yield willing obedience to the governors of the world.

Yet Charles the Second persevered, since he felt that he was in New England but a nominal king. His successive remonstrances, while he was yet embarrassed at home, repeatedly called forth apologetical answers from the general court, who knew his situation. He threatened them with a writ of *quo warranto*. They excused themselves in their pristine spirit, by saying, "that the collector was acknowledged, since his commission was enrolled; that no improper suits had been commenced against the revenue officers; but that they hoped appeals to England would not be insisted on." Finding it impossible to execute his duty, though his authority was admitted in words, fearing for his life, as an ancient law punished with death a subverter of the constitution, Randolph finally retired from Boston, in September, 1682. Such were the obstructions opposed to the acts of navigation, to the introduction of

the first collector. The New-English acted only according to their original principles, when they regarded the extension of the laws of England to them as a grievance, because, being unrepresented in Parliament, they regarded every act of legislation as tyrannous. These sentiments descended to their posterity with little change, and have continually urged them to similar complaints and similar opposition; without considering, that they, who refuse obedience to the laws, relinquish the character of subjects, and can no more claim the privileges which flow from submission.

While the general court contended thus for what they regarded as the chartered privileges of the colony, they endeavored to win Charles the Second by arts, which demonstrate that they understood the character of his court, and were themselves willing to practice the arts of the world. In pursuance of promises made at the Restoration, they had sent him masts for his navy and a seasonable supply of provisions for his West India fleet. And, having long corrupted his servants, they now attempted to bribe himself, by an offer of two thousand guineas. But they were exposed to the ridicule of witty courtiers, by doing that awkwardly, which, if dexterously done, would have probably proved successful. The discovery of purpose seldom leaves the envoy much room for management. The New-English agents made professions in vain, since they were not empowered to consent to regulation. And they represented to their constituents the desperate condition of the colony, as many cities in England, and some plantations, had submitted to reformation, since they no longer found any safety in the laws. Yet the general court, after trying every expedient, resolved, with their wonted determination of spirit, to submit rather to their fate than be made instrumental in resigning a blessed constitu-

tion, dearly purchased and long possessed. And their conduct gave an example to mankind, how communities, as well as the individual, often contend with the same enthusiasm for fictions as for realities, as the mind may be equally attached, and the energy equally roused. It has been clearly shown, that there was nothing worth one moment's conflict in a charter which seemed to be relinquished on both sides. But the contest, on the part of the one, was for the preservation of assumed authority, on that of the other, to gain a participation in an opponent's power, by reclaiming the New-English to legal submission.

Randolph presented to the lords of the Council for Colonies, in June, 1683, formal articles of high misdemeanor against the corporation, which were all inferred from two circumstances, too well founded in truth; "the assuming of powers not warranted by charter, the opposing of the acts of navigation." And a judgment given on a writ of *quo warranto*, in Trinity term, 1684, put a period to the ancient government of Massachusetts; which could not indeed have been defended in any court of justice, during the most equitable reign, because it had arisen in what every law must have determined to have been an usurpation. Urged by the indignation of the moment, the Commons resolved at the revolution, that a judgment procured by violence was unconstitutional, since it was contrary to all law. But the resolves of popular conventions too often take the truth of facts for granted, which cannot easily be proved; and the greatest judges of the same period declared, that, admitting the proceeding to have been irregular, if the general court continued to exercise their former powers, so inconsistent with their charter, such a judgment would be given as to leave no room for error. From his restoration, Charles the Second had expe-

rienred the dilemma, which has successively embarrassed his successors, of either admitting the real independence, though apparent subordination, of New England, or of resolving to defend the authority of the legislature by enforcing the execution of its acts. Though the colonists had sworn allegiance to his person and had admitted his name into formal proceedings, his kingship was merely nominal, since he neither enjoyed the gratification of influence nor the authority of power ; having no suffrage in the formation of their ordinances nor enjoying the ability to execute what the supreme legislature had commanded.

CHAPTER XIII.

NEW HAMPSHIRE and MAINE.—Early Emigrants.—Settlers on the Piscataqua River.—Submission of New Hampshire to Massachusetts;—Of Maine.—Controversy as to the Descendants of Gorges and Mason.—The General Court anticipate the King and purchase the Rights of Gorges to Maine.—The Administration over Maine.—Cranfield at the Head of the Royal Government of New Hampshire.—His Administration.—Gove's Insurrection.—Recall of Cranfield.—Administration of Barefoot as Deputy-Governor.—Complaints against the Clergy.

OF the variety of complaints which from the Restoration inflamed the councils of England or embarrassed the general court of Massachusetts, none had made a more lasting impression than the continual applications of the descendants of the original proprietors of the provinces of New Hampshire and Maine. Granted, in 1635, the first to Mason, and the second to Gorges; Mason soon sent a few planters and servants to New Hampshire; Gorges not long after transported a little colony to Maine. The climate and the times easily destroyed juvenile settlements, which had seldom felt the energy of constant care. And, in 1639 and 1640, several small emigrations, urged by unquietness or by persecution, settled on either side of the river Piscataqua, which divided the two provinces, and established by their own authority separate communities, by means of the fashionable associations of their neighbors. Being, like the other New Englanders, Independents in their religion, they did not long enjoy under their own forms the blessings of peace, because their principles naturally promoted discord. And having placed them-

selves in the vicinity of a people, whose address was equal to their power and whose ambition was equal to both, the settlers of New Hampshire and Maine were soon deprived of that distinct and equal station, of which they had shown themselves by their turbulence to have been unworthy.

Pretences are easily found when they are sought. Pretending a right to the soil from general expressions in her defective patent, Massachusetts gained the submission of the inhabitants of New Hampshire, by a religious intrigue, during the year 1641. The change was happy for the community, because it was freed from domestic broils; but detrimental to the proprietary, since he was divested of his rights. Having thus by management extended her limits and jurisdiction sixteen miles northerly along the coast, the general court perceived, that the uncertainty of their boundary equally furnished a similar argument for subjecting the more eastern Maine; which would carry both sixty miles farther. Partly by laying before the settlers every motive of hope and of terror, but more by "compulsory means," they subjected the whole province before July, 1658. And though the spirit of domination, which urged the general court to these encroachments, or the means that were employed to give them success, cannot be approved, the prudence and moderation with which they governed the people merit commendation. Thus, during the civil wars in England, the colonies of New Hampshire and Maine became absorbed in Massachusetts Bay.

The most zealous support of Charles the Second was unable to restore the grandsons of the first patentees to their ancient rights, because the general court opposed the claims of the one and the decisions of the other, with superior force and cunning. The royal commis-

sioners reëstablished, in 1665, the former government of Mason and Gorges, that appeared so equitable, though not their authority, which must every where arise from the opinion of the governed. But the general court, who were not idle spectators of proceedings so injurious to their power, sent an armed force, the moment the king's officers departed for England, to replace their former jurisdiction. And they were readily obeyed, because men naturally yield submission to the vigor which commands it. Urged by the continued complaints of the claimants, and offended with the contempt shown to his authority, that monarch threatened the general court, in language which had been fitter for a foreign nation, "that, should they continue refractory, every means would be used to interrupt the trade of the colony, which by the acts of navigation may be given it." When, owing to this suggestion, their agents appeared in July, 1677, before Rainsford and North, the two chief justices, this litigious contest ended, because the general court dreaded a greater evil in the loss of their commerce, and their pretences vanished before examination. Explained at length by common sense, their boundaries were now restrained to the natural expression of the original grant, according to the design of the original parties. Of New Hampshire, Mason was found to have only a claim to the soil, since the powers of government had never been given. Both the territory and jurisdiction of Maine were adjudged to Gorges, because Charles the First had granted both to his grandfather. And the final conclusion of this perplexing controversy gives an additional example to the world, that it is seldom so difficult to discover the right as it is to restrain mankind from acting wrong.

During an age, when English nobles hoped for consequence from the possession of American territory, it

was natural for Charles the Second to wish to confer a province on Monmouth, the most beloved of his sons. But, restrained for years by his poverty, by the intrigues of his adversaries, by the high demands of the owners, he had been unable to gain the titles of the two proprietors. Perfectly informed of that tedious treaty by their emissaries, the general court meanwhile slyly purchased the right of Gorges, since their possession could be no longer maintained. Against a conduct so contrary to fair dealing, so disobliging to himself, that monarch remonstrated and threatened to no purpose, because they had seen an instance of his impotence and now derided his power. They palliated, indeed, what they could not justify, yet resolved to retain what their superior address had won. Urged by their ancient desires of aggrandizement, they reduced Maine to the form of a dependent province; ruling it by a deputy-governor, and other officers; and supporting by force an administration, which was hated and opposed by the provincials, since they no longer partook in the government of themselves. And, feeling a continued insult offered to their pride, they lamented for years that they had been made the instruments of their own ruin, by subjecting themselves to the domination of a people, who disregarded the woes of others, while they promoted their own greatness, though by any means.

Foiled in his attempts to procure the province of Maine, Charles the Second was determined by his disappointment, in July, 1679, "to establish a temporary administration in New Hampshire, which might have a more immediate dependence on regal authority." The principal inhabitants did not readily submit, because their former connection with Massachusetts was pleasing, as the religious and political principles of both were the same. A government reluctantly obeyed is

seldom of long continuance if it is not supported by power. Dissatisfied with the members of this temporary system, whose maxims of independence and the example of their neighbors led them to oppose the laws of England, that monarch established, in 1682, the first royal government in New England; and sent Cranfield, a man of high political principles, "as a fit and able person to settle that place;" consisting rather of four inconsiderable towns than of an extended plantation.

The prudent firmness of Cranfield at first commanded reluctant submission. The fanatic clergy and principal inhabitants for some time lent him their aid, because "they thought he was gained over to the Independents." When he avowed his purpose to execute the laws of navigation, he discovered, what indeed he soon found cause to lament, that he must either act with that party, or become the object of their hate. He called an assembly, composed of his opponents, in December, 1682. But, having shown how easily three weeks may be whiled away, without granting a tax, or passing a law, he gratified his enemies by dissolving a body of delegates, who had acquired additional merit in the eyes of their constituents by opposing established authority. Gove, one of the late members, instantly raised the standard of insurrection, because "he considered the governor, his commission, and instructions, as all equally unconstitutional." Cranfield delayed not to argue with armed zealots, but hastened with a superior force to suppress a revolt, which a moment's delay had extended over an enthusiastic province. Having "used some art to procure a proper jury," he obtained the condemnation of the leader and nine of the principal insurgents, who, with the usual confidence of enthusiasts, avowed boldly their opposi-

tion to his power, thus deemed illegal, because contrary to their ancient customs. Without reflecting that punishment could not have operated as an example, he sent Gove to England for execution, in pursuance of his instructions. But, after lying a twelvemonth in the tower, the same mercy was extended to him as had been already shown to his followers, because it was hoped, that lenity might reclaim to submission a surly people, whom it was found so difficult to enforce. The suppression of revolt added nothing to influence. Cranfield called several assemblies without success. And he was ere long constrained to seek an asylum at Boston, whose rulers had directed the counsels that now forced him to fly, as he feared for his life amidst zealots governed by seditious ministers. Where contest and clamor prevail all parties are generally wrong. The provincials sent an agent to England to exhibit various charges against the governor, for which there was some foundation; he in his turn recriminated by saying, "that, while the clergy were allowed to preach to a mutinous people, no true allegiance would be found in those parts." Neither gratified with praise nor enriched with perquisite, he begged his recall in such language of despondency as showed the state of a mind harassed with opposition, and the condition of a colony wretched from its temper more than from grievance; "as then the world will see that it is the royal commission they cavil at, and not my person; and time will show, that no one shall be accepted by them who puts the king's commands in execution."

The truth of those warnings immediately appeared, when Barefoote assumed the administration as deputy-governor, in June, 1685. Having resided five and twenty years in the province, he was enabled by his experience "to discover the intrigues and designs of the

malignant party, who are directed by the Massachusetts, there being a strict confederacy between the ministers and church members of this province and that." Amid those turmoils, he found his repose in forbearance rather than in action. He was soon relieved from the discharge of a trust, which had now become no less dangerous than it had ever been unpleasant. And he gave notice to his superiors in England, as he retired; "that, unless those factious preachers are turned out of the colony, there will be disquiets here, as no pope ever acted with greater arrogance; and, without some force to keep those people under, it will be very difficult, if not an impossible thing, to put in execution his majesty's orders or the laws of trade." Thus, the New-English, while "influenced by their clergy, who are ever intermeddling in civil affairs, and stirring them up to disloyalty," continued in every age to fulfil, by their turbulence, what had been originally foretold by philosophers, who knew the correspondence between principle and action.

CHAPTER XIV.

NEW YORK. — New Grant to the Duke of York. — Taxation. — Exclusion of a Representative Body. — Andros receives the Submission of the Inhabitants. — He is recalled. — Indictment of Dyer, the Collector. — He is sent to England. — Application for Participation in making the Laws. — Dongan calls the first Assembly. — Their Acts. — Revenue for Support of Government. — Exertions of the Provincials.

In the mean time the province of New York, having been reconquered during the second Dutch war, which no man has ever approved, became again a territory of England, by means of the treaty of London. Doubting, with some reason, the validity of his former title, the Duke of York easily obtained a new grant of New Netherlands, since recent conquest had given no strength to original defects. Having again subjected the inhabitants as a conquered people, having reestablished the former simple form of government, he imposed, by the plenitude of his own power, a variety of taxes, which were regularly collected for its support; till it was discovered, several years after, that they had been created by improper authority. But, a representative body was carefully excluded from the court of assizes, which was sometimes denominated an assembly, because, with his native temper, "he suspected they would be of dangerous consequence; as nothing is more known than the aptness of such bodies to assume to themselves many privileges that prove destructive."

Appointed to execute that arbitrary system, because

his maxims of government were thought adequate to the end, Andros received the submission of the inhabitants, composed of New-English Independents and of Dutch republicans, in October, 1674. In order, however, "to settle their minds," he declared, that it was his master's intention, that privileges and estates, possessed prior to the conquest, should be freely enjoyed; that the "book of laws," formerly established, should be again obeyed. But a people who envy the superior enjoyments of their neighbors are seldom happy. And the clamors of the provincials procured the governor's recall, in 1680; though it was found, upon inquiry, "that he had neither broken his trust nor misbehaved." Vain was it to obtain the removal of an obnoxious ruler, while the arbitrary form remained. Penetrated with their discontents, they indicted Dyer, the Duke of York's collector, for a constructive treason, as he had levied taxes without legal authority. Though it was known that he had only collected what had been imposed by the proprietary, who had been advised that he might exercise this extraordinary power, a special court was appointed to try the supposed delinquent. But doubting their own jurisdiction, since Dyer insisted that he had gathered the imposts under the same authority by which themselves sat, they sent him with his accuser to England. The accusation of such a man, for such a crime, shows the high discontents of the province. The sending of him across the ocean to a different judicatory, after he had been formally indicted, demonstrates the ignorance of the judges, who thus formed a dangerous precedent, perhaps without intending it. And Dyer complained of his accuser, who did not appear to prosecute, when they had thus gained their important point. Encouraged by their triumph over a governor and a collector, every rank in the province,

public as well as private bodies, joined in a petition to the Duke, "to allow the people to participate in the making of laws." Owing to various causes their application met with more than usual attention. The provincial revenue expired at a time when the proprietary's right to renew it was doubted, rather than denied, by the ablest lawyers in England; when the collection of it was avowedly opposed in the province with a spirit which demanded compliance. The adversity, which had lately persecuted himself, made him think, probably, of what he owed to those committed to his charge. And he resolved to gratify the desires of his tenants, but with a condition, that they previously promised to grant a revenue for the support of his government. In September, 1682, the same frame of polity was established for New York as other unchartered colonies enjoyed, particularly in the choosing of representatives. Never was any boon received with so much joy. Having been thus governed almost twenty years, "at the will of the Duke's deputies," they expressed their gratitude for this long wished for change with an ardor in proportion to their late misery and present happiness.

Dongan called the first assembly, in October, 1683. And their conduct immediately showed how much that prince's sagacity had penetrated their real purposes, and how justly he had foretold what must be the result. Their first law declared, with the genuine spirit of sovereignty, that the inhabitants of a conquered province should be regarded as natural-born subjects; without adverting that they became naturalized by conquest. Their second act formed a declaration of rights, since they did not reflect, that sovereign legislatures and independent nations alone, assert, by their own resolutions, their own privileges. And having procured the

governor's assent to laws of domestic economy but of less importance, they performed the promise which had been extorted from them as the price of their present enjoyments, by granting a revenue for a limited time. Neither the acts of this assembly nor those of a second, which was called in the subsequent year, ought to be regarded by the world, since they have been exploded by the province. Inflamed by the passion of the moment, the revolution-convention declared, that the laws, enacted under their proprietary, should be considered as void in the creation, not so much for the reasons which they chose to avow, as that they wished to express their contempt for a prince who had long ruled them as a conqueror, but had now ceased to be an object of their gratitude or terror. And the conduct of both assemblies is remarkable. When the delegates convened for the first time, in October, 1683, they must have derived their authority, either from the commission of the Duke of York, or from the choice of their constituents. If they obtained nothing from him but a license to meet, what did they acquire from them, who could have sent no deputies to assembly without his permission? If a conquered people could possess few other social rights than those which the capitulation conferred, their representatives could not exercise greater powers than those who invested them with all authority. When wise men perceived, that no assembly could meet without the proprietary's assent, they naturally inferred, that all power must have regularly flowed from his approbation to them. When they saw the territorial legislature declaring, with the decisive tone of supremacy, what should be deemed the rights of their electors, they equally concluded, that such a community must have considered itself as free from restraint, because independent on the will of

another. Elevated by the enjoyment of greater privileges and avowed protection, the provincials thenceforth exerted unusual energy. They enlarged the field of their industry; they extended their commerce among the western tribes, who had long waged bloody warfare with Canada. And they in future only feared for their safety, amid their various adventures, when they saw the French endeavoring to gain their Indian allies, and to extend their southern settlements, which were, however, sometimes checked by Dongan, who was said to have been "an irreconcilable enemy to a French power, though he was a papist."

CHAPTER XV.

NEW JERSEY. — Its Prosperity identified with that of New York. — Administration of Andros. — Divided into Moieties. — East and West Jersey. — East Jersey relinquished to Carteret. — His Resumption of the Government of it. — Dissensions between the Governor and Council and the Assembly. — The Governor's Power to dissolve the Assembly is denied. — The Conveyance to William Penn and others; — To the Earl of Perth and others. — Scotch Settlers. — Relinquishment, by Sir William Jones, of his Right in West Jersey. — New York Jurisdiction over it.

A SCION from New York, New Jersey either prospered or withered, during every season, as the stock flourished or declined. In November, 1674, Andros equally received possession of this province from the Dutch, which had been equally regranted to the Duke of York, without regarding the previous title of Carteret and Berkeley; which he governed in a similar manner, under a similar authority; enacting laws and enforcing obedience; imposing taxes and compelling payment. While it was thus ruled as a conquered province, Lord Berkeley transferred his undivided pretensions to William Penn and his associates, because ten years' experience had convinced him, that no man ought to covet extensive territory beyond the Atlantic, who expects immediate profit or subsequent glory. Aware of the inconvenience of a joint property, the extensive country surrounded by the Hudson, the ocean, and the Delaware, was divided into moieties, in 1675, and thenceforward was distinguished, in American annals, as East and West Jersey. Of the former, the Duke of York released to Carteret, not only the soil, but the

jurisdiction. Of the latter he retained the government which, till 1680, was ruled as an appendage to New York; feeling, meanwhile, what is of all others the greatest of mortifications, dependence on a dependent. And here were sown in those complicated measures, arising from accident rather than from policy, the seeds of future altercation, of litigated jurisdiction, of contested property; which damped, for ages, general prosperity, and destroyed, meantime, private happiness.

Carteret, who, having been expelled in 1672, resumed, in 1675, the government of East Jersey in peace, because he extended, on his arrival, the payment of quitrents to a more distant day, and granted additional concessions with regard to the tenure of lands. But though apparent tranquillity was restored, since the attention of the individual was turned to the acquisition of territory, discord was only allayed, but not repressed. When the assembly convened, in October, 1681, the dissensions of the chief ruler and council on the one side, of the burgesses on the other, left an example to the world how easily subjects for contest are found, when litigants professedly look for them. And the governor dissolved the assembly, when he discovered that obstinate pertinacity had usurped the place of fair discussion. The delegates, however, protested against a measure which put an end to their power; insisting on what the representatives of no other colony have ever contended for, in their warmest struggles for power, that his commission and instructions contained not the power of dissolution. Unable to govern or to please a contentious people, the proprietary conveyed, in February, 1682, his rights to William Penn, Richard West, and their associates; who, "after the disappointment of the intended insurrection, by the recovery of the king at Windsor, resolved to be gone to America."

Yet they had the mortification to discover, what experience had taught to others fifty years before, that to people and to rule a distant colony is a difficult task. And they thought it prudent to convey one half of their interest to the Earl of Perth, and his Scotch co-partners, who also wished to acquire wealth and power by colonization; who, in the subsequent year, obtained from the Duke of York a confirmation of a title, which they justly supposed to be defective without it. The religious contests of that age enabled them to send colonists from Scotland, who, urged by the principles which had brought forth nonconformity in their native land, naturally practised disobedience, when their seditions could be no longer watched nor their submission enforced.

Wearied with constant solicitation, and convinced by the undecisive opinion of Sir William Jones, that he could not tax West Jersey by his sole authority, that prince released his right of government to the proprietors of West Jersey, in August, 1680. But, in vain, was this wilderness declared independent of New York, while her assembly extended, in 1683, the same taxes to it, which were then imposed on their constituents. This remarkable act of jurisdiction, at the same time that it shows the feebleness of Jersey, demonstrates how little the powers of local legislation were, in those days, understood, or whence they were derived. Planted by Independents from New England, by Covenanters from Scotland, by conspirators from England, such scenes of turbulence were exhibited in these inconsiderable colonies, age after age, as acquired in their history the characteristic appellation of "The Revolutions."

CHAPTER XVI.

PENNSYLVANIA.—The Charter granted to William Penn.—Reservations introduced into it by Chief Justice North.—Markham.—Encouragements to Settlers.—Delaware Colony granted to Penn.—His Arrival with Emigrants.—Toleration.—Philadelphia.—The First Assembly.—Representation and Act of Settlement.—Act uniting Delaware with Pennsylvania.—Boundary Question with Maryland.—Modifications of the Constitution.—The Proprietary's Departure for England.—His Influence.—State of the Province.

It was during those transactions in the Jerseys, that William Penn's ambition was fired, that his sagacity discerned the advantage of procuring a separate settlement on the banks of the Delaware; that his address enabled him to obtain a grant of Pennsylvania, notwithstanding every obstruction. He knew that statesmen are governed less by formal system than by present intrigue; and he flattered himself, that his own management and perseverance would subdue the well-grounded jealousy, which had long prevailed with regard to proprietary governments.

In granting the charter of Pennsylvania, a caution was assuredly used, in proportion to the inattention with which former patents had been given, almost to every petitioner. Twenty years' experience had now taught circumspection; and the recent refractoriness of Massachusetts had impressed the ministers with a proper sense of danger, at least, of inconvenience. Having been told that the northern boundary of Maryland must not be infringed, Penn sketched, from her envied charter, a draught of one for himself. But,

having revised both with unusual care, the attorney-general pointed out "the clauses that were not agreeable to the laws here." And, warned by his objections, the lords of the committee for colonies requested North, a chief justice, celebrated no less for his talents than integrity, "to provide, by proper reservations, that the sovereignty of the crown was reserved, that acts of Parliament, concerning trade and the customs, should be duly observed, and that it should be so drawn as to consist with the king's interest, yet to give sufficient encouragement to settlers." He was naturally directed in his judgment by the laws as they had been lately established. The acts of navigation having been passed in the present reign, and a seed-plot for future taxes recently formed, he therefore introduced formal expressions to enforce obedience to the one and to compel the collection of the other. The sovereignty of the state and the power of Parliament were all reserved with such cautious clauses, as demonstrate the soundness of his own judgment as well as the fears that were entertained for the future from a remembrance of the past. Modern times have heard a construction given to the whole, which, by substituting vague implication for express stipulation, has overturned the learned labors of North, and left the charter of Pennsylvania a form without a spirit. Yet the declaration, which effected both, only demonstrates, that an acute partisan, disregarding of truth, can easily find an evasion at the call of faction or interest.

Having thus obtained, in 1681, a grant of an extensive territory, with great power to himself and considerable privilege for the colonists, Penn soon despatched Markham to occupy a region, which was professedly designed "to extend the English empire;" in order to discover the land, and to provide habitations for a

numerous emigration. During a season of religious and civil contest, it required not the eloquence of Penn to persuade men to leave a country where they thought themselves aggrieved, that they might gain the enjoyment of peculiarities which a licentious world despised. He offered them possessions that promoted their interest; he laid before them "a frame of government" which gratified their vanity. And many hastened to embrace flattering proposals, that they naturally supposed would be executed with precision in Pennsylvania. While soliciting the emigration of others, he obtained from the Duke of York, in August, 1682, a grant for himself of the Delaware colony; which that prince had no other authority to convey, than that he had possessed, since 1674, a narrow tract of country which had been granted to the family of Baltimore two and forty years before and continually had been claimed.

The proprietary arrived in Pennsylvania in October, 1682, bringing with him about two thousand emigrants, who sought what they really obtained, a toleration, not only for their peculiar principles but for their modes of life. He not long after delineated the plan of Philadelphia, which, in three years, was graced with six hundred houses; which, in after times, became so remarkable for regularity of structure and excellence of police. He called the first assembly, in December, 1682. At this convention every freeman might have appeared in person, because he derived this pleasing privilege from the system established in England. But doubting, with a modesty which did not descend to their posterity, "their own unskilfulness in government," they sent deputies to represent them in the provincial council and in the general assembly. A measure, probably suggested by Penn himself, was readily adopted by all.

The representations of the people were formed into "an act of settlement," which declared, that these delegates should constitute the legislature, to consist of the council, and of the assembly; that the counties should, in future, send the same number of representatives to both. Reflecting on the advantages of union, they passed a law, uniting the Delaware colony to the province, without considering that they had as little right to unite themselves to it as to Canada or Peru. And they passed a variety of laws, which, proceeding from their situation and their habits, established a system of good sense, that, while it inculcated maxims of economy, to which Pennsylvania owes much of her former prosperity and present power, has attracted the notice of the world. From the assembly, Penn hastened to Maryland, in order to settle with Baltimore, what are every where so perplexing, disputed boundary and litigated jurisdiction. But they conferred often without success, because, having penetrated the designs of each other, both resolved to derive every possible advantage; Calvert, from the certainty of chartered limits; and his new neighbor, from the doubtfulness of obscure description. And the event demonstrated, that jealousy, incited by interest, is seldom allayed without gratification.

The proprietary returned to his province with a mind full of new schemes of government, while his diligent followers were occupied with various projects of agriculture and traffic. Dissatisfied with the late act of settlement, because, owing to the number of the representatives, his own power was endangered, he had the address to obtain from the assembly of 1683 a modification of the former constitution, more favorable to his views. In return for an attention, which invigorated his power, he declared, that the lands of aliens, who

died unnaturalized, should descend without forfeiture to their heirs; that every one might hunt in the wilderness, might fish in every water. It is not easy to set bounds to innovation. The present system was no more permanent than the former; and it was not till it had undergone various changes, dictated chiefly by the caprice or interest of that famous founder, that, seventeen years after, the Pennsylvanian constitution, so celebrated for its provisions in favor of liberty, was at last established. Having thus succeeded in his present designs, and being desirous to procure the royal determination of his dispute with Calvert, the proprietor returned to England, in August, 1684; leaving the government of a prosperous province in five commissioners, whom he had chosen from the provincial council. Though, to gratify his democratical followers, he had divested himself of great apparent power, which it was the principal object of his life to regain, he enjoyed prodigious influence, because he had much land to grant; when he ceased to give, and began to ask, his consequence declined. The inhabitants he left in envied tranquillity, because jealousy was allayed in their present ardor to gain a settlement and to acquire stability. At his departure, Pennsylvania already contained eight thousand planters; so great had been the emigrations thither, during the last years of the reign of Charles the Second, owing equally to their fears of James the Second and to the flatteries of Penn.

CHAPTER XVII.

MARYLAND. — Prosperity. — Attachment to Calvert. — Effects of the Popish Plot. — Trial and Punishment of Fendal and his Associates. — Exclusion of Roman Catholics from the Rights of Freemen. — Difficulty between the Proprietary and the King respecting the Duties. — Complaints against Revenue Officers. — Dismemberment of the Province. — Talbot kills Rousby, the Collector of Customs, and is tried in Virginia.

FROM the Restoration to the arrival of the Pennsylvanians in their neighborhood, the Marylanders had enjoyed under a prudent administration great prosperity, if not happiness. They engaged successfully in the adventures of peace without courting or fearing the dangers of war. And they passed "successive acts of gratitude" to Calvert, their governor, the apparent heir of their proprietary, "as a token of their love; considering he had lived long in the province and done the people many singular favors." Happy people, who find proper opportunities for such effusions of gratefulness! Fortunate rulers, who experience such returns for their just attention! But that country is not always exempt from faction and intrigue, which is free from clamor. The popish fiction, which, during that reign, disgraced England in the eyes of the world, extended its baneful influence to a province, inhabited by a mixed people and governed by popish rulers. Here, with a spirit that has at all times influenced the colonists, men prepared to draw every advantage to themselves from the contests of the parent country. They hoped, "that, upon the king's meeting the Parliament, there would be such differences as would occasion civil wars, and then they might possess in Maryland what estates they pleased." The final success of

Charles the Second, by the dissolution of the Oxford Parliament, enabled Baltimore to obtain a similar triumph over his provincial opponents. Fendal, who, having been found guilty of treason at the Restoration and pardoned, was tried, in 1681, "for seditious practices;" but with the former lenity he was now banished, though to the laws of the province he had forfeited his life. And his associates were punished with fine, because, during times of high passion, moderation conciliates where severity would only inflame. Dissatisfaction easily finds pretences. While the tumults of the popish plot yet rang in their ears, the ministers of Charles the Second showed their ignorance of the constitution of Maryland and of the qualities of its inhabitants, when they commanded, what they had no more right than any other men to command, "that all offices should be put into protestant hands." Competition between the protestants and papists continued, however, to embitter private enjoyment, till the sad epoch, when the former excluded the last from every privilege of freedom, because the descendants of the original settlers at present enjoyed equal rights.

Against accusations "of his partiality to papists" the proprietary easily defended himself, since he proved that they were untrue. But, when the officers of the customs complained of his opposing them in the execution of their duty, he was unable to remove imputations that were founded in truth. Surprised at unexpected oppositions in return for favors conferred, Charles the Second commanded Baltimore, in August, 1682, "to take care that the laws relating to the trade of the plantations be faithfully executed, that due encouragement be given to the collector of the customs, particularly in the punctual collection of the impositions, payable to us by act of Parliament." In his expectations of wealth from a colonial revenue, that monarch threat-

ened him with a writ of *quo warranto*, "if he did not reimburse the large sums that the customs had been damnified by his obstructions." And the proprietary recriminated on the officers, in language which showed the motive of his conduct, "that they were disturbers of the trade and peace of the province." Yet he was censured while they were found innocent, because petty irregularities are overlooked in strictness of duty. And we shall soon see the provincial opponents of Baltimore making the bars, which he had thrown in the way of the revenue officers, a pretence for a revolution that overturned the ancient fabric of his power. Maryland was subjected at the same time to the disgrace of dismemberment, for the faults of her proprietor. The intrigues of Penn induced an irritated sovereign, contrary to her charter and to justice, to deprive her of one half of the peninsula, formed by the Delaware and Chesapeake. The clamors of Virginia were made the motive for divesting her of her chartered jurisdiction over the river Potomac.

The contests of England continued to agitate a province, which had now acquired twelve thousand inhabitants, till the unpleasantness of altercation ended in the turpitude of homicide. In 1684, Rousby, the collector of the customs, was slain by Talbot; who, to the advantage of being a kinsman of the Calverts, enjoyed the consequence annexed to the station of counsellor. For a crime, arising from the vehemence of the times rather than the depravity of the heart, he was tried in Virginia, though it had been perpetrated in Maryland. This remarkable circumstance demonstrates, how little jurisdiction was then understood, at least, regarded; and he was properly pardoned in the subsequent reign, because even enormity ought not to be punished illegally, though perhaps he derived that safety from his religion, which justice had pleaded for in vain.

CHAPTER XVIII.

VIRGINIA. — Immunities. — Bacon's Rebellion. — Retirement of Berkeley. — Charges against him. — Oath of Allegiance to Bacon. — Troops sent to quell the Revolt. — Commissioners from the King. — Berkeley superseded. — Seizure of the Records of the Assembly. — The Assembly demands Satisfaction. — The King's Indignation. — Evils from the Troops ; — From Quitrents. — Administration of Lord Culpeper. — Intention to introduce the Modes of Ireland. — No Appeals but to the King in Council. — Attempts to encourage Manufacturers. — Destruction of Tobacco. — High Treason connected with its Destruction. — Forfeiture of Culpeper's Commission.


IN the mean time, the repose of this most ancient dominion, Virginia, was still more disturbed than the tranquillity of Maryland had been, by conspiracy and civil war. Unable by salutary laws to remove the cause of discontents, which had for some years existed, the assembly sent agents, in 1675, to solicit in England for greater immunities. In return for former attachments, they earnestly asked for a royal declaration under the great seal, "that Virginia shall no more be transferred in parcels to individuals, but may remain forever dependent on the crown of England ; that the public officers should be obliged to reside within the colony ; that no tax should be laid on the inhabitants, except by the assembly." While their ancient loyalty was still kindly remembered, they easily obtained the object of their prayers. Yet experience had now quickened apprehension. And when the lords of the Council for Colonies recollected, that the supreme legislature had only four years before imposed customs on the

colonies, they thought it their duty, because they were now convinced that a king of England could not dispense with law, to insist, by explanation, "that these concessions shall be no bar to any imposition, which may be laid here by the king in Parliament." In the moment when the chancellor was about to affix the seal to the grant of a boon, which every one thought was due to the merits of the Virginians, tidings arrived that they had without provocation revolted.

To other causes of dissatisfaction, the planters had for some time been harassed with the inroads of the neighboring Indians, which the celebrated Berkeley wanted in his old age the talents or the power to restrain. And, impatient of delay, the multitude, with their usual imprudence, chose Bacon as their general, a young man, who had long practised popular arts and had lately urged them to action. Their ancient ruler refused to confirm their choice, because, though the insurgents had found a pretence in the purpose to chastise the savages, he suspected different designs. Associators in arms are of all men the most confident. Having, in June, 1676, surrounded the assembly with his armed followers, Bacon easily compelled them to grant his demands by those arguments which every where prevail. Freed at length from apprehensions of violence, the representatives of the province advised the governor to denounce that able incendiary a rebel. Bacon, however, soon convinced the world, that promptitude of resolution and energy of action are sufficient to overturn a government better supported than Berkeley's. And, unable to oppose him with force, the ruler, who had outlived so many storms, retired from the blast beyond the Chesapeake, till he could collect the well affected, or receive reinforcements from England.

Having thus acquired the command of a province,

containing forty-five thousand inhabitants, Bacon called a convention of deputies, that he might gain applause and strength from their approbation. They accused Berkeley of fomenting a civil war, though he had governed five and thirty years without complaint; of abdicating the government without any adequate cause, though he had only retired to a different county. Foreseeing from their information the arrival of troops from England, they resolved, in the style of universal revolt, "that it consisted equally with the welfare of the colony and their allegiance to his majesty, to suppress such forces, till the king should be informed of the cause of their proceedings, by such persons as their general should send." And they obliged the inhabitants to swear allegiance to Bacon in the mean time, in order to bind their attachment by the force of so solemn a promise. During the eight months which this inconsiderate insurrection continued, Virginia suffered every calamity that civil contest can inflict; devastation, fire, military execution. But it ended in January, 1676-7, by the death of their general rather than the exertions of the governor, because the insurgents had now no leader of adequate talents, and they seem to have had yet no settled purpose. We look to no purpose into their manifesto for their real motives, which cannot now be easily discovered. [Ludwell, the secretary of that dominion, who had carefully remarked their progress, wrote Coventry, the secretary of state, in April, 1677; "that the grounds of this rebellion have not proceeded from any real fault in the government, but rather from the lewd disposition of desperate fortunes, lately sprung up amongst them, which easily seduced the willing minds of the people from their allegiance, in the vain hopes of taking the country wholly out of his majesty's hands into their own. Bacon never intended more by



the prosecution of the Indian war, than as a covert to his villanies." Such were the arguments of a man who had suffered in the conflict. The rebels, like all other insurgents, who had drawn the sword without a cause, wished probably to enjoy the pleasures of present power, and determined certainly to seize the advantage of subsequent opportunity; in the spirit of Cromwell, when he said, "that men never mount higher than when they know not whither they are going."

Charles the Second adopted every measure that promised to reclaim the revolted or to punish the disobedient. He literally copied the energetic example of the Commonwealth on a similar occasion. And he detached a small armament under Berry, who, with two other commissioners, was appointed to inquire into the cause of late distractions, that redress might be given; who was ordered to proceed speedily against the rebels, that submission to law might again be restored. While that monarch commanded other colonies neither to aid nor to conceal Bacon, whom he considered as the sole promoter of the insurrection, he directed that the offender should be sent to England for trial and for punishment, which must have operated as an act of revenge rather than an example to the guilty.

The royal commissioners found Virginia already enjoying the blessings of order. They seemed to regret that an assembly, which Berkeley had called on the death of Bacon, had left them little to perform; whose acts were afterwards disallowed, because they were contrary to the king's proclamation of October, 1676. The act of attainder, which had been passed for the correction of rebellion, was supposed without any valid reason to have been void in the creation, since it was enacted by incompetent jurisdiction. Berkeley was su-

perseded, because much of the late mischief was said to have been owing to his imprudence or incapacity. The loyalists, who had sealed with their blood their attachment to their king and the laws, were discountenanced by the commissioners, because the insurgents, who had met with powerful friends in the nation and the Parliament, were now to be gratified by any means. Having invited the people to bring in their grievances without fear, every county and every individual sent the royal representatives complaints, which, arising merely from prejudice, it was impossible to redress. In the height of their zeal for inquiry and reformation, they forcibly seized the records of the assembly. But the burgesses, who convened in October, 1677, demanded satisfaction for their injured privileges, in such language as showed that the suppression of revolt had not strengthened authority nor the offers of pardon prompted moderation. Informed of their contemptuous resolutions, Charles the Second expressed "his indignation at that seditious declaration," by directing, with an impotent spirit, his governor "to give the leaders marks of the royal displeasure." Like many of his successors, Jeffreys found it necessary to suppress commands, which had only roused opposition without correcting delinquency. The commissioners left Virginia more unsettled than they found it, since their maxims and their actions pleased no party, neither the rebels nor the loyalists. And they transmitted an example to posterity, how seldom statesmen gain their ends, who substitute supposed expedience for absolute right.

In the place of imaginary ills, the Virginians now endured real ones. The petty army which had been sent to quell the revolt lived at free quarter, as no pay was remitted to the soldiers from England. Having

paid no quitrents during the three years of distraction, the colonists thought the arrears so vast a sum, that the assembly declared it would fall heavy upon all, if rigorously collected; and they begged for a remission of the past and for an appropriation of the future rents to the defence of the frontiers and other local uses. Before July, 1680, Charles the Second had so effectually granted every request, since he had no purpose to oppress, that only one inconvenience remained, which it seemed beyond the power of man to remove, without individual diligence and public regulation, "the low price of tobacco."

On the decease of Berkeley, of a broken heart, Lord Culpeper was imprudently appointed governor of Virginia for life. He found the province, in May, 1680, in perfect tranquillity. And he soon laid before the assembly a variety of bills, which had been framed in England from a consideration of the late transactions and transmitted under the great seal, because it was intended to introduce here the modes of Ireland. While the late insurrection and the late favors were yet remembered, these bills were enacted into laws, though with some difficulty. Another change of more lasting consequence was then ingrafted into the Virginian constitution. During the irregularities of the civil war, the assembly had acquired the right of appeal from inferior judicatories. But the burgesses having insisted lately, with the ambitious spirit of that age, on the exclusive privilege of ultimate jurisdiction, since it seemed absurd for the governor and counsel to vote in causes, which themselves had determined, Culpeper was ordered to allow no appeals, except to the King in Council. The same instruction was transmitted to other governors, though there seems not to have existed the same necessity, which however established, finally, the modern practice.

The assembly encouraged the manufacturers of the province, in order to raise the price of their staple, but without success. And the inhabitants of several counties associated to enhance the value by lessening the quantity, instead of endeavoring to meliorate the quality. With riotous force they destroyed their own tobacco-plants, and would have soon laid waste every plantation, but for the vigorous conduct of the lieutenant-governor, who soon reëstablished quietude, by sending patrols of horse into the disaffected counties. The most active incendiaries were indicted of high treason and executed. Regarding the destruction of their staple as an attack on their existence, the assembly declared, that it should be high treason for eight or more persons, convened with an intent to destroy tobacco, to continue together four hours, after they should be commanded by a magistrate to depart. From the practices of the insurgents and the acts of their legislature, we may infer what must have been the gloomy temper of the Virginians during that age. And Lord Culpeper seems to have found no pleasure in governing such a people, during such a season. Having returned a second time, contrary to his orders, he was immediately arrested; having received presents from the assembly, contrary to his instructions, a jury of Middlesex found, that he had forfeited his commission. And having shown by his conduct, that they who act under independent authority will seldom obey even reasonable commands, no more governors were appointed for life.

CHAPTER XIX.

NORTH CAROLINA.—Condition of the Plantation.—Appointment of Eastchurch as Governor;—Of Miller as Secretary, and Collector of Parliamentary Duties.—Administration of Miller, as President of the Council.—His Dispute with Gillam.—Insurrection and Imprisonment of the President and Seven Counsellors.—Manifesto by the Insurgents.—Charges against Culpeper, Gillam, and New Englanders.—Arrival and Death of Eastchurch.—Mission of Culpeper and Holden to England.—Seizure and Trial of Culpeper for High Treason.—Proprietaries Accept the Submission of the Colonists.—Temporary Administration.—Act of Oblivion.

ORIGINALLY a sprout from Virginia, the unprosperous plantation of North Carolina naturally produced the same unpleasant fruits, during that boisterous season. Alteration of system, no less than change of governors, had long prevented the growth of a colony, which, in 1675, contained only four thousand inhabitants; who derived, unhappily, no benefit, either from the coercion of laws or the influences of religion. Their inconsiderable traffic was almost wholly engrossed by the traders of New England, who, from a double motive of interest and faction, not only supplied their wants, but directed their affairs. And uninformed, because unconnected with the world, the Carolinians were admirably qualified for instruments to perform, in interested hands, the gainful work of others. In looking round for expedients, the proprietors nominated Eastchurch governor of this petty settlement, in November, 1676, because they thought him qualified to rule a people, the speaker of whose assembly he had been. Miller was appointed secretary, and, at the same time, the first col-

lector of the parliamentary duties, as he, too, had acted a conspicuous part in that turbulent scene. From the exertions of the one, those noblemen were induced to expect the promotion of those designs which had been hitherto neglected, perhaps opposed, by their officers. From the fidelity of the other, the commissioners of the customs hoped, that the colonial commerce would soon be turned into a more profitable channel, by obliging the New-English merchants to pay the same taxes as other colonists and in the same manner to obey the acts of navigation.

In July, 1677, Miller took peaceable possession of the government, as president of the council, till the arrival of Eastchurch. Beginning the ungracious work of reformation, under this feeble authority, he endeavored to promote at once a more direct trade with England and to destroy the New-English monopoly. He compelled a collector, appointed by the assembly, to refund the parliamentary customs, to the amount of three thousand pounds. And, in his zeal to give a tone to a relaxed system, he is said to have done many extravagant things, which lost him the affections of a people, who regarded every restraint as oppressive, because it was uncommon. A dispute with Gillam, a New-English trader, with regard to the entering of his ship and the payment of duties, set the match to the train that had been for some time laid in the ignorance of the people and the faction of their leaders.

In December, 1677, the insurgents imprisoned the president and seven of the counsellors, they appropriated the royal revenue for supporting their revolt, they appointed officers and erected courts of justice, they called assemblies, and, wholly unrestrained in any manner or by any motive, they exercised, for years, every act of sovereign authority. Among the variety

of men, whom a turbulent age furnished for every exploit, the revolvers found a leader in Culpeper, who was described, by the proprietaries, as "a very ill man, who had fled from South Carolina, where he was in danger of hanging, for endeavoring to set the poor planters to plunder the rich."

In order to justify their inconsiderate insurrection and to gain partisans to an unworthy cause, the insurgents published a manifesto, which, on such occasions, is deemed necessary; which, being conceived in a vulgarity of sentiment equal to its perplexedness of style, pleased such a people, though it avowed reasons to the world, that no one's heart adopted. But vigilant observers of the practices of sedition in the continued conduct of the principal conductors insisted, "that the rebellion of the inhabitants of Albemarle arose from no sudden provocation, but was the effect of deliberate contrivance." The chief rulers informed the ministers of Charles the Second, "that Culpeper, Gillam, and other New Englanders, had a design to get the trade of this country into their own hands, and not only to defraud the king of his customs, but to buy goods of the inhabitants at their own rates." It was apparent, that the New-English were the chief promoters of the rebellion. It is certain that they hoped to gain, what they already enjoyed in their own country, an unrestrained traffic, with its usual advantages. When Eastchurch at length arrived, he encountered similar opposition, because it was inconsistent with their designs to admit the reestablishment of order. And he applied to Virginia for aid, but died of vexation before it could be given. After two years successful revolt, the insurgents sent Culpeper and Holden to England, to make a tender of their submission to the proprietaries, since the pleasure of novelty was passed, yet to demand the

punishment of Miller, as they hoped to derive a gratification from their own misconduct.

Having executed his embassy with a mixture of good and ill success, Culpeper was seized, by a warrant from the Privy Council, as he was returning to Carolina. Accused of acting as the royal collector, without authority, during the insurrection, it was in vain for him to beg for mercy, or, at least, to be sent for trial to the country where the supposed crime was committed. Under the authority of the statute of Henry the Eighth, he was tried in the court of king's-bench, during Trinity term, 1680, for high treason, perpetrated without the realm. Five witnesses established every circumstance of the revolt, in which it was proved that Culpeper had acted a principal part. But Lord Shaftesbury, who, as a proprietor, was presumed to know much of the affairs of Carolina, who possessed still greater influence from his prodigious popularity, representing that the late disorders could only be regarded as feuds between the planters, the criminal was acquitted, contrary to the sense of the judges, who thought him guilty, because he had forcibly opposed the proprietary government. All lawyers acknowledged, that foreign treasons might be inquired of in the court of king's-bench, under the directions of a positive law, though the more cautious doubted, whether, admitting the charge to be true, it amounted to so great a crime.

The event of the trial determined the proprietaries, with regard to the course they should follow in reestablishing the affairs of Carolina. Long had they deliberated, whether to regain their lost authority by force, or by treaty; by sending an armament, to compel every one to obey their lawful power, or by accepting the conditional submission of the insurgents, to receive such obedience as they seemed willing to yield. In

adopting the last alternative, those noblemen showed their present weakness, they courted future opposition, and they cultivated a spirit, which at length deprived them of power. With these intentions they established a temporary administration, in 1680, which was little regarded, since expected change seldom procures prompt compliance. The proprietaries threatened, when it was too late, "to use force to reduce the seditious to reason;" but the Carolinians knew, that threats are always dictated by imbecility. An act of oblivion, with an exception "of the king's dues and his collector's estate," was passed to little purpose, among a people who thought themselves as guiltless as Culpeper. And a triumphant faction having usurped the place of government, this miserable colony was harassed, for several years, by fine, imprisonment, and proscription. The New-English rejoiced at the mischief they had made, in proportion as they had gained their object; as they enjoyed, amid distractions in which they delighted, all the advantages of an uninterrupted commerce, since the unpitied fate of Miller gave warning to other collectors, how they zealously executed the acts of navigation.

CHAPTER XX.

SOUTH CAROLINA. — Early Appropriations by the Proprietaries. — Settlers. — Charleston founded. — Hostilities with the Indians, to gain by Traffic in Indian Slaves. — Plantations added and Charters granted during the Reign of Charles the Second. — His Colonial Administration.

MEANWHILE the perseverance of the proprietaries of South Carolina had here conquered difficulties, though they had been opposed by the obstructions of former times, which rather enlivened hope than confirmed despair. The prudent application of eighteen thousand pounds had given it the appearance of a settled colony before the year 1674. But when they ceased to feed and to clothe the colonists, because they saw not how they were to be repaid, complaint was made and reproach was insinuated. They wisely resolved to make no more desperate debts, since they aimed not at the profit of merchants but the encouragement of landlords. Yet, still willing to give encouragement to the industrious and the honest, they desired these to consider how returns were to be made, if they intended to have supplies for the future. The planters at length exerted themselves, when they no longer relied on the support of others. Exertion naturally produced prosperity; success promoted internal population; while encouragement filled the province with dissenters from England and Scotland, with protestants from other European countries. Charleston, their elegant metropolis, was founded in 1680, on the confluence of the rivers Ashley and Cooper, after other situations had been tried

without success. Yet, amid unusual felicity, "this hopeful settlement had wellnigh been ruined" by a war with the Westoes, a powerful Indian tribe, who were treated by the colonists as savages, because they preferred warfare to slavery. Notwithstanding the most vigorous remonstrances of the proprietaries, this province long continued "that barbarous practice," which was then introduced, of promoting Indian hostility, that they might gain by the traffic of Indian slaves. And laws were procured by the importunities of the chief rulers without success, because they contradicted the degenerate spirit of the multitude. Refractoriness procured change of governors, successive alteration of officers necessarily introduced faction, and from universal turbulence resulted a mode of intestine government, at once tyrannous and weak.

Thus during the reign of Charles the Second were seven plantations added, either by settlement or conquest, to the more ancient colonies. Thus five new charters were granted at a time that the old were complained of, either as inconvenient at present, or as dangerous with regard to the future. The colonial administration of that prince formed a remarkable tissue of attention and neglect, of imbecility and vigor, of measures adopted that were in the same moment rejected, of laws enacted which were immediately dispensed with. It was to this reign, however, that the nation and her territories owe the monopoly of "the plantation trade," which, in successive ages, has engaged the praises and the censures of the wise; and the establishment of a colonial revenue, with the introduction of custom-house officers, that have been attributed lately to a period at the distance of a century thereafter. By the colonists both were regarded with

that jealousy and hesitation, which supposed innovation always inspires, though the principle of both had existed, without efficacy, indeed, from the date of original emigration. And in the result we have seen seditions in some settlements and revolt in others; Bacon's rebellion in Virginia, Calpeper's rebellion in Carolina, and Gove's rebellion in New Hampshire. In every other plantation disorder sprung from turbulence, and insurrection from anarchy, while the provincials watched the factious contests of the parent, with design to derive, from her distractions, every advantage to themselves. The cancellation of the charter of Massachusetts, in order to exhibit an example of the most refractory to the more peaceful, was a measure that necessity rendered just and precedents made legal.* But Charles

* Composed of the loyalist and republican, the first ministers of Charles the Second were so entangled in ancient habits and in novel maxims, that we see Clarendon and Southampton dispensing with the acts of navigation in favor of Scotland and New England, and afterwards retracting. He, however, who would form an accurate judgment of the national policy, with regard to the colonies, during the foregoing reign, must attentively peruse the elaborate charter of Pennsylvania, which, having been revised by the ablest statesmen and lawyers, after a reform had been resolved on by their advice, may be supposed to contain, in the sentiments of both, the deliberate opinions of the age. Prejudice is an obstinate passion. Even after "the question, that for many ages had been handled by the most learned of their times, in asserting and denying the power of the crown to impose taxes, had been decided by the Parliament's establishing the same," an eminent jurist insisted, "that the king, by his prerogative, may levy customs on strangers and their goods, passing through his territories and seas." [Mol. de Jur. Marit. b. 2. ch. 12.] But the popular Sir William Jones, about the same time, certified, in the language of doubt, "that, by any thing he had heard, he was not satisfied the Duke of York could demand any duties of the inhabitants of New Jersey." The same great lawyer assumed it, however, as an incontrovertible principle, in giving his official opinion on the statute of the 25 Cha. II. "that the Parliament might rightfully impose taxes on every dominion of the crown." [His Report is in Rec. Plant. Off. N. Eng. 2. v. p. 88.] Vain is it to search, during the Reign of James the First and his successor, for judgments of the courts of justice, with regard to the colonies, while the fountains of law were choked up. Owing partly to the reasoning of the Long Parliament, perhaps more to the actual practice of the legislature, at the Restoration, the judges in Westminster Hall thenceforward affirmed, "that the plantations were bound by acts of Parliament, whenever they were named." [Freeman's Rep. p. 175; Modern Rep. 3. v. p. 139.] And they soon illustrated their reasonings, by saying, "that Ireland, Guernsey, and other dependent territories are obliged to obey the rules prescribed by Parliament, in the same manner as the colonies are." [Vaughan's Rep. p. 400; Modern Rep. 4 v. p. 225.] When Molloy, a learned writer of that age, published the first essay on colonial jurisprudence, he adopted similar doctrines, by insisting, "that

the Second lived not to complete the plan of reformation, which, from the moment of his calming the troubles of his kingdom, he had resolved on as necessary; which he thenceforth pursued with a steadiness, unusual, in proportion as he was constantly put in remembrance, that he enjoyed little real power amid distractions; proceeding partly from primitive dispositions, perhaps more from chartered forms of his own creation.

the plantations have not the right of supremacy, which kingdoms having no dependence on each other only enjoy, for they are governed by the laws prescribed by the sovereign of the same, who may set jurisdictions." [De Jur. Marit. 3d. ed 1652, b 3. ch. 3. 5.] Molloy's "Treatise of Affairs, Maritime and Commercial," offers a remarkable instance of the triumph of utility over elegance. His topics were so useful to the individual and so important to the nation, that several editions of his book were demanded, at a time, when Shakspeare and Milton lay neglected on the shelf or the stall. And the avidity, with which his intelligent pages were read by an unexperienced people, furnishes no inconsiderable proof of the ardor displayed by the English, in domestic traffic and foreign enterprise, during the reign of Charles the Second and his immediate successor.

BOOK FIFTH.

REIGN OF JAMES THE SECOND.

1685—1688.

BOOK FIFTH.

REIGN OF JAMES THE SECOND.

1685 - 1688.

CHAPTER I.

NEW ENGLAND. — Policy of the King. — Temporary Government in Massachusetts. — Union of New Hampshire and Maine with Massachusetts. — Character of the Government thereof. — Revocation of the Powers of Dudley and his Council. — Powers invested in a Governor-General and Legislative Council. — Administration of Andros. — Troops sent to Boston to support him. — Religious Toleration. — Proceedings against Connecticut, Rhode Island, and New Plymouth. — They are put under Andros.

PROCLAIMED in the plantations, with gladness or with sorrow, as they were each differently affected with hope or apprehension, the new sovereign, James the Second, instantly turned his habitual diligence to the reconciliation of dissension and the reestablishment of order. More attentive to business than his predecessor, more informed of the detail of commerce, and more experienced in colonization, he worked on his model of reformation with an assiduity which always insures success. Little regardful of the means, he made every consideration yield to policy. And, like his father and grandfather, substituting the dictates of prerogative for

the exertions of the legislature, we search during his reign to little purpose for rules prescribed to the colonies by Parliament or for duties imposed.

This spirit, conjoined with a sense of necessity, induced him, in September, 1685, to establish a temporary government for Massachusetts, in the room of the ancient usurpation, that the writ of *quo warranto* had lately overturned. The continued confusions in New Hampshire and the recent dissatisfactions of Maine urged him to associate both with her in the same vigorous system. Composed of a president and council, chosen by the king from the least enthusiastic of the inhabitants, the new administration was invested with an authority, legislative and executive. During a twelvemonth they governed these refractory provinces with an attention to the prejudices of the people, that preserved tranquillity; and they even engaged their support, because, "though the house of delegates was laid aside," ancient customs as well as forms remained, which are so influential in every climate. In proportion as they pleased the colonists they offended the court, so difficult it is to serve at once two masters. And a dissatisfaction with their conduct dictated a revocation of the powers of Dudley and his council, since they had too much imitated the offensive proceedings of their predecessors, in opposing the acts of navigation.

Always prompt, if not precipitant, James the Second instantly determined to establish in New England a polity of permanent vigor. Though informed by the crown lawyers, "that, notwithstanding the forfeiture of the charter, the planters continued English subjects," he invested all jurisdiction in a governor-general and legislative council; who were empowered to make laws and to execute them, to impose taxes and to compel payment. Andros, a military man of high political

character, who, from his experience at New York, was supposed to know the men now committed to his charge, was appointed commander-in-chief. His instructions exhibit a singular picture of the mind of his employer, humane and severe, tyrannous and conciliatory; affecting an attention to the rights of the governed, while by the same stroke he removed the fence which secured them. And two companies of soldiers were sent at the same time to Boston, in order to support such an administration over such a people. In December, 1686, Andros was received with apparent satisfaction, because a smaller evil is welcome when a greater is expected. He ruled the New Englanders with that conformity to orders, as to leave his accusers, though urged by political hatred, no other charge in the subsequent reign, than that he had executed a commission, which was at length considered as illegal. Religious liberty for the first time sprang up in New England, under the shelter of despotism. But in the universal toleration, which was allowed and enforced, the Independents thought they saw antichrist exalted on the ruins of the gospel, and their own meeting-houses shut up, because the Church of England was only opened. Thus the New-English were wretched, during the short administration of Andros, since they considered "the whole unquestioned right of the subject as taken away," though they felt not the hand of oppression, but only dreaded the loss of enjoyment.

The independence, which Connecticut and Rhode Island had long exercised under charters that seemed to have really conferred it, did not escape the observation of Charles the Second when his jealousy had been roused by opposition, far less the remark of his successor, whose attention was quickened by temper. And it was adopted as a general rule of policy to vacate all

colonial patents, since it had been found "to have been of very great and growing prejudice to his affairs in the plantations and to the customs here, that such independent administrations should be maintained, without more immediate dependence on his crown." Formal articles were exhibited before the lords of the committee for colonies, against those transmarine corporations, in July, 1685, accusing them of what was undoubtedly true; of breaches of their charters, of opposition to the acts of navigation. With a promptitude, which showed that accusation had been sought for in such powerful motives, writs of *quo warranto* were immediately issued. Rhode Island, Connecticut, and New Plymouth, not long after, resolved "not to stand suit with the king;" framing, however, their acts of surrender in such studied terms of ambiguity, as to leave room for future controversy, whether they intended to resign their authority or only to submit to a force, which invalidated every political act. And those little commonwealths were instantly placed under the rigid government of Andros, who was directed to rule them by the same arbitrary powers as he then exercised over the other New-English colonies.

CHAPTER II.

NEW YORK. — The King refuses to confirm the Acts of the Duke of York. — Change in the Government. — The Commission and Administration of Dongan. — Attention to the Wars in Canada. — Aid given to the Five Nations. — Commencement of the Boundary Quarrels with the French. — Treaty of Neutrality for America. — The King's subsequent Conduct.

URGED by similar motives, perhaps more by a recollection of the restraint which had induced him to permit the meeting of an assembly, the king of England did little honor to himself by refusing to confirm the acts of the Duke of York. The inhabitants of New York begged in vain for a continuance of a form of government, which, after the long domination of conquest, had given them the greatest satisfaction. Fearful of the encroachments of popular conventions, that monarch gave to Dongan a new commission, which invested him with the same extraordinary power as Andros already exerted over New England. Yet, though the colonists were bereaved of assemblies, they felt no real oppression, because their governor, actuated by his moderation, paid a regard to their prejudices and their rights, that insured him the gratitude of the province. Connected with the powerful confederacy of the five Indian nations, from the epoch of the Dutch settlement, New York attentively regarded their long wars with Canada, as she was interested in the prosperity of tribes, whose commerce enriched her people and whose prowess defended her frontiers. Perceiving the dangerous projects of France, in the

formation of distant settlements on the communications of the western Lakes, Dongan continually solicited for orders, which he indeed at length received, to aid the Five Nations, to prevent the encroachments of their enemies. And here commenced the long contests between England and France, with regard to colonial boundary, in the singular enterprise of the one state, in the just jealousy of the other. Foreseeing future danger in the recent orders to Dongan, the French had the address to obtain, in November, 1686, a treaty of neutrality for America, which stipulated what discloses their real motives, that no assistance should be given to savages. But having learned at length, from the subsequent activity of the Canadians, that he had consented to a league inconsistent with the true interest of England, James the Second soon adopted a more salutary measure, which not long after deprived New York of the importance of separate government.

CHAPTER III.

NEW JERSEY.—Its Dependency.—Unavailing Prosecution of Smugglers.—East Jersey Charter surrendered.—Union of the Provinces between the Delaware and the St. Lawrence.—Andros appointed Captain-General of the Whole, under the Name of New England.—Character of the Government thereof.—Opposition to James.—The Reestablishment of an Assembly denied.

HITHERTO regarded as a dependency, the province of New Jersey was involved in the fate of her neighbor. Amid the continued convulsions, which her principles naturally produced, it answered only a bad purpose for the collector of the customs to prosecute the smuggler, since "juries found their verdicts against the most undoubted facts." A writ of *quo warranto* was instantly issued, when complaint was made that the acts of navigation were opposed, as an arbitrary mind is always prompt. In order, however, to make the blow fall easy, since they could not suspend it, the proprietors of East Jersey surrendered their charter; begging only for a grant of the soil, that they might enjoy in safety what they had acquired with hazard. And their prayers would have been assuredly granted, as a reward of compliance, but for the revolution, which not long after turned the attention of both parties to other objects.

While James the Second made use of French money to give success to his pernicious plans in England, he executed a measure on which he had for some time meditated as advantageous to his kingdom; which the wisest of his successors need not have disclaimed.

Having penetrated the ambitious designs of France in America, he adopted the only project that could render them abortive, by placing a bar in the way of their encroachments. And, with this admirable design, he determined to unite, under one vigorous government, the various plantations between the rivers Delaware and St. Lawrence, including at present eight several settlements. Besides other advantages, it was supposed "that it would make the French proceed with more caution than they had lately done." In pursuance of this resolution, Andros was appointed, in March, 1688, captain-general of the whole, under the name of New England; which was in future to be governed by a legislative council, composed of the chief inhabitants of the different colonies, who were to be chosen by the king. The consent of Parliament was only wanting to render this memorable policy as legal as it was salutary, if the advantage of England was the chief object. While commissioners were appointed to settle boundaries between the French and English settlements in America, which, however necessary, had even then been too long neglected, Andros was ordered to cultivate a good correspondence with his neighbors, to prevent hostilities, but to protect the Five Nations. And he executed his extraordinary powers with an ability that procured him the future favor of a prince, who was fond of rewarding military merit, because it includes the punctuality of submission. Yet the New-English were far from happy, since their numerous prejudices were daily offended. They had never till now enjoyed real liberty, though the form of their government was tyrannous, as every man and every society partook of equal protection and equal privileges. An inconsiderable insurrection of a few towns, in opposition to the taxes which the governor and council

had imposed, was easily suppressed and punished by the ordinary courts of justice, since it had been raised without concert and was supported by no vigor. When the colonists found from experience that forcible opposition was fruitless, they solicited James the Second for the reëstablishment of an assembly and the enjoyment of other rights, with an earnestness that showed how much they regretted the loss of both. A concession, so contrary to the prejudices of the prince, was denied to the influence of father Peters, while smaller favors were granted to the request of the royal confessor. And their intrigues, however artful, proved ultimately unsuccessful, as that monarch was not long after driven from a palace, where he was at present courted by men who rejoiced at his fall.

CHAPTER IV.

PENNSYLVANIA. — Friendly Disposition of the King. — Departure of Penn. — Disputes between the Council and Delegates. — Penn's Attempt to resume Authority. — Blackwell's Administration. — Continuation of Altercations.

WHILE James the Second thus annihilated colonial charters, partly because they had been grossly abused, but more since they stood in the way of useful reformation, he seems, in his attachment to Penn, to have overlooked the irregularities of his province. Scarcely had the proprietor departed in 1684, when contest commenced among a people, peaceful yet pertinacious. Complicated forms naturally incited disputation; and the provincial council and the delegates of the people quarrelled, with regard to indefinite privileges, as each struggled for preëminence. In his zeal to reform a constitution which had thus given rise to dispute, that famous lawgiver instructed his commissioners to procure its dissolution, in order to regain part of that power which he had incautiously given away, during the flutter of emigration and settlement. But unable to effect by intrigue, what was opposed by jealousy, he found it necessary to appoint, for the first time, in 1688, a deputy-governor; expecting every success from the talents of Cromwell's political pupil. The threats and the flatteries of Blackwell proved equally unsuccessful, because he knew not the people with whom he was to act, as they were the first body of Quakers, who had been permitted to taste the gratifications of power, of

which they were therefore fond. The assembly complained of grievances, which he showed little inclination to redress, since he had learned in his youth, that clamor is often loud without adequate cause. They impeached ill ministers, as the chief authors of the arbitrariness in government, without obtaining their punishment. They resolved, that the absence of the proprietor was greatly to the people's prejudice. And they protested against "the declaring void the present, or making future laws, but in the granted way of the charter and act of settlement." While Penn was intriguing at the court of James, altercations thus began, which lasted half a century, in a province where unanimity was without reason expected to reign; owing partly to the confusion of the original constitution, but more to the attempts of its founder, to resume the authority wherewith he had reluctantly parted; of the delegates to retain, and to extend, the flattering privileges, of which they were justly proud.

CHAPTER V.

MARYLAND—State of, during the Reign of James the Second.—He completes the Appropriation of the Delaware Colony.—Ineffectual Application of the Proprietor against it.

THOUGH James the Second was proclaimed here with every expression of joy, neither Baltimore nor his province ever enjoyed much of his favor. Though they were Roman Catholics, perhaps they were too liberal to please a bigot in religion and a despot in politics. By an arbitrary decision of the Privy Council, he completed, in 1685, what his predecessor had begun, with regard to the appropriation of the Delaware colony; sacrificing to his attachment to Penn the truth of history, the dictates of justice, and the sovereignty of his kingdom. Against the purpose of that prince, "to reduce independent administrations to a more immediate dependence," the proprietor ineffectually urged the merits of his father, in adding, at a considerable expense, a province to the empire, that he had hitherto governed according to his patent and the laws of the realm. His former opposition to the acts of navigation was remembered, and a writ of *quo warranto* was issued against him, with the usual promptitude, in April, 1687. But distance imposed difficulties, which have, at all times, prevented ultimate reformation. The assembly rejoiced, however, "for the inestimable blessing" of the birth of a prince of Wales, though they at the same time declined to comply with the requests of the father, in respect to the export of

uncased tobacco, as Virginia had refused. Urged by the discontents of the age, rather than by real sufferings, they complained of grievances, which were redressed by the governor, with a facility, that showed how little cause there had been for clamor. Yet Maryland was not happy, because religious contest, so intolerant in its aims, obstructed public proceedings, while it imbittered private enjoyment.

CHAPTER VI.

VIRGINIA.—Joy upon the Accession of James the Second.—Tax on the Consumption of Tobacco.—Encouragement of Manufactures.—Refusal to prohibit Exportation of unpacked Tobacco.

THE loyal dominion of Virginia proclaimed James the Second "with extraordinary joy." The Virginians lamented, that the Parliament, in order to augment their navy, should have imposed a tax on the consumption of tobacco, within the realm, which they feared, without reason, would ruin the staple, so essential to their existence. And they showed their inclination to retaliate, though without success. They gave encouragement to provincial manufactures, which was disapproved of by the lords of the committee of colonies, "as contrary to the acts of navigation." They refused to prohibit the exportation of unpacked tobacco, though the clamor of English merchants had induced their sovereign to send them a requisition. And they complained of grievances, which, arising partly from ignorance of law, perhaps more from the uncertainty of the territorial constitution, that monarch found no leisure to redress.

CHAPTER VII.

NORTH CAROLINA. — Administration and Character of Sothell.

UNDER Sothell, one of the proprietaries, who having been sent to call order from anarchy, North Carolina seems to have regained tranquillity, in 1684, at the end of seven years of distraction. Thinking himself too great for control, he disregarded his instructions; despising the opinion of the world or his own safety, he too long practised every crime that has disgraced delegated power. In despair, the planters seized him, in 1683, that he might be sent to England to answer their accusations. Yet, both parties having referred their disputes to the next assembly, this body compelled him to abjure the colony for a year and the government forever. However much the proprietors abhorred the misdeeds of Sothell, they disapproved of the conduct of the colonists, because they deemed it "prejudicial to the prerogative of the crown and to their own honor." Neither the governors nor the governed seem to have perceived, however, that, while lasting anarchy saps the foundation of every social establishment, an administration, which is despised because it is weak, cannot be of long duration.

CHAPTER VIII.

SOUTH CAROLINA. — Privateers become Pirates. — Fleet under Holmes for suppressing them. — Difficulties with the Spaniards. — Proposed Expedition against St. Augustine. — Muschamp sent to collect the Customs at Charleston. — Attempt to suppress Illicit Traffic. — Proposition to surrender the Charters. — Rejection of Locke's Constitution. — Exclusion of Delegates from the House. — Colleton appointed Governor. — Overthrow of the Administration. — Chief Characteristic in the Colonial Administration of James the Second.

THE feeble province of South Carolina, for some time, experienced the truth of the last observation. When desire of sudden wealth is accompanied with indolence, men endeavor to gain their purpose by means which morality cannot approve. The Carolinians easily converted the privateers of that age into pirates, which ruined universal commerce by indiscriminate robbery. An act of assembly against the plunderers of nations was at length procured by the importunity of the proprietors, which was not, however, executed; because gainful projects are seldom thought dishonest, while practices, long continued, since they are generally pleasing, at length settle into general usage. James the Second merited the applause of the commercial world, by sending a small fleet, under Holmes, with an extraordinary commission, "for suppressing pirates in the West Indies," though his success was not equal to his noble purpose, since the project was then unexampl'd. The neighborhood of the English had always given jealousy to the Spaniards of Florida; but the recent piracies incited the indignation of that honest

people. When they perceived that the Indians were incited against them, they threatened hostilities; when they could obtain no redress, they laid waste the nearest frontier. The Carolinians prepared to retaliate, by taking St. Augustine, their capital. Yet, against a measure that, at first view, appears not only justifiable but spirited, the proprietaries transmitted a strong remonstrance, which, admitting that they might pursue the invaders beyond their limits, whom their prowess had repulsed, concluded, "that no man can think, that the dependencies of England have power to make war upon the king's allies without the king's consent or knowledge." By refusing their assent to the raising of money, they more effectually prevented the intended expedition, spirited, yet imprudent.

The commerce of this inconsiderable settlement began to attract the notice of traders and the treasury towards the demise of Charles the Second. And, in 1685, Muschamp was, for the first time, sent to collect the parliamentary customs at Charleston. With their wonted attention to the rights of England, the proprietaries instructed the governor and council "to show their forwardness in assisting of the collection of the duties on tobacco; of the seizure of ships trading contrary to the acts of navigation." Yet an illicit traffic was practised, because it was gainful; and they justified it as legal, under a clause of their charter, "which the people believed to be of superior force to the law, though the patentees never claimed any such exemption." During a reign of promptitude, complaints of opposition were no sooner transmitted by the collector, than a writ of *quo warranto* was issued against the Carolinian charters. And, perceiving the inutility of resistance, the proprietors proposed a treaty of surren-

der, which, by gaining them time, at a critical juncture, effectually saved their rights.

Meanwhile, the most furious contests existed among a disputatious people, which, indeed, were to have been expected in a province, planted by restless men, from every country and of every sect. The assembly of November, 1685, rejected the fundamental constitutions of Locke, which they abhorred as unfavorable to provincial liberty, as they easily discovered a pretence, in supposing that copy to have been spurious, which their superiors had sent them as genuine. The governor found no very commendable means to exclude from the house the delegates, whose resolutions thus struck at the foundation of the government. But the excluded members protested against every act that should be made by the smaller number of representatives, and retired into the country, in order to disseminate their own sentiments among the multitude, who implicitly believed what they had been previously taught to approve. Disgusted with opposition, and offended with disobedience to reasonable commands, the proprietaries appointed Colleton governor, in 1686; who was invested with inquisitorial authority, because they expected much from his attachment and more from his talents. He, however, who attempts to reform a degenerate people, by punishing general profligacy, must be invigorated with considerable power. Having called an assembly, in 1687, the freemen "chose such members as engaged to oppose the governor in all things." Little could be expected from a body of legislators, who met with such perverse dispositions. And, by the dissolution of the assembly, South Carolina was left, in 1688, without any acts of the provincial legislature as a rule of government. To habitual turbulence necessarily succeeded universal anarchy; forward usurpation

easily overturned a weakened administration; and imprisonment and proscription completed the miseries of a people, who learned at length, from adversity, that it is the violent and the vicious who alone profit from disorder.

Of the colonial administration of James the Second it is the chief characteristic, that his measures were generally right, while his means were almost always wrong. Considering the origin of colonization, as having the interest of the state for its principal end, he pursued the advantage of England, in respect to her sovereignty and commerce, with a steadiness, which few of his successors have equalled and none have surpassed. He opposed the encroachments of France, at a time when he was assuredly influenced by her counsels and her money, with an energy that reflects dishonor on kings and ministers, who derived a merit from opposing the reëtrance of his sons. Though the practice commenced during the Long Parliament, it is in his reign that we first find duties imposed on the consumption of colonial products within the kingdom, which transmitted one hundred thousand pounds a year to him, who was destined, ere long, to overturn his power. But it answers no practical purpose to investigate minutely the policy of his conduct; because his principle and his practice have been so completely exploded, that no statesman will probably adopt the one as just or the other as wise, though folly has sometimes given a lesson to sapience.

BOOK SIXTH.

REIGN OF WILLIAM THE THIRD.

1689—1702.

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REIGN OF WILLIAM THE THIRD.

1689—1702.

CHAPTER I.

THE REVOLUTION.—Cause of the Abdication of James the Second.—William the Third declared King.—The Consequences.

It was the insult offered to the understandings of his subjects, by obtruding his fanatic follies on their judgment, more than the attacks made on their privileges by James the Second, which induced all parties to regard a revolution as necessary. Every order in the state withdrew its attachment from a sovereign, whose religious bigotry mortified their pride, by depriving them of consequence, while his political innovations encroached on their rights, by invading the laws. What the people of England, however, chiefly dreaded in future, the colonists had actually suffered. Nevertheless, both would have languished in hopeless imbecility but for the expedition of the Prince of Orange, who, in order to gain for himself a crown, brought to all a timely deliverance, which freed many from fears and inspired a greater number with hopes.

When that monarch deserted the government and

the nation, because, amid his personal terrors, he thought it impossible to reëstablish affairs in his absence, the Prince was requested by a body of peers and commoners, who were probably by himself directed, to assume the administration, which had thus been abandoned to chance. The extraordinary convention of January, 1689, made it only the business of one slight debate, to determine that the kingly office was vacant; since many concurred in a resolution, which they did not clearly comprehend, and which more lived to repent, as high expectation usually ends in hope deferred. Yet admitting wisely, that, though James had abdicated the government by his flight, the regal branch of the body politic still remained, the Lords and Commons, foreseeing the danger of dissension, declared the prince and princess of Orange king and queen of England, "and of the dominions to the same belonging."

Had a revolution, which necessity had thus rendered just, and the consent of the nation now made legal, produced only a change of rulers, without an alteration of modes, it would have merited little commendation and less support. Consequences, more pleasing as well as more important, resulted from it to the colonies as much as to England. Freed from the obscurity of former reigns, and vindicated from recent encroachment, the constitution was at length replaced on the solid basis of the social rights of mankind, of the special privileges of Englishmen. The various powers, legislative and executive, of each component person of it, were now defined, at least, were afterwards understood, with an accuracy hitherto unknown. And, by asserting the authority of the whole over every dominion of the state, that interesting event left a signal example to posterity of the omnipotence of the sovereign legisla-

ture and of the just submission of the governed. The supremacy of the laws having been established in the same manner over king and people, a conspicuous boundary between the prerogative of the one and the privileges of the others having been finally fixed, the colonists derived advantages from those felicities, almost equal to the salutary benefits by other subjects enjoyed, as both partook in future of the same security.

Of these extraordinary transactions, William thought it prudent to communicate the earliest notice to the colonies, since he knew that his predecessor had informed them of the intended invasion from Holland, against which they were ordered to draw the sword. Urged by duty, no less than by considerations of policy, the Privy Council soon transmitted thither formal orders to proclaim the new king and queen. And, while former officers were continued in power, the governors were commanded to administer the new oaths in place of the old, because the fealty of the colonial subjects of England had thus been transferred by an extraordinary demise of the crown to unelected sovereigns.

CHAPTER II.

VIRGINIA. — Effects of the Accession of William the Third.

TIDINGS of those interesting changes had, meanwhile, reached the dominion of Virginia, though they were uncertain in proportion to the greatness of distance. Rumor instantly scattered her reports among the multitude with her usual alertness and success. And there were not wanting men, who, forming their opinions from what they wished rather than from what they knew, flattered themselves, "that, since there was no king in England, there was now no government in the province." But the activity of the principal inhabitants, who feared for their property in popular commotion, the timely arrival of official orders, "gave a check to unruly spirits." And William and Mary were proclaimed, in April, 1689, "Lord and Lady of Virginia," with those acclamations, which are generally heard at the accession of monarchs, who succeed by a course of descent, long foreseen and universally approved.

CHAPTER III.

MARYLAND.—No early official Information of the Revolution received.—The Consequences.—Coode's Insurrection.—Capitulation of St. Mary's.—Committee of Safety assume the Command.—The Insurgents' Reasons for their Revolt.—Acts of a Convention of Deputies called by them.—Deposition of Lord Baltimore.—The King's Approbation of their Proceedings.

HAD the same fortunate conveyance carried the same formal commands to the colony of Maryland, insurrection and civil war would have been probably prevented. But accident rendered fruitless the good purposes of the proprietor, who had readily promised to obey the directions of the Privy Council. Partly from regard to forms, perhaps more from attachment to James, the deputy-governors followed not the example of Virginia, as they had yet received no official notice of a revolution so interesting, because it involved so many important consequences. Similar reports were here circulated, a popish plot was framed; and men of active tempers prepared to draw every advantage to themselves from distraction. Tranquillity was, however, for some months preserved, by the prudence of the rulers, notwithstanding the petty commotions of March, 1689, which had been raised to repel an Indian invasion, that had existed only in the artifice of faction.

Informed of their delay in performing what had been contrary to strictness of law, the ministers of England threatened Baltimore with parliamentary inquiry and the loss of his charter. He sent additional orders to proclaim the king and queen, by a special messenger,

who arrived too late to preserve his province in peace and his authority from ruin. The minds of the multitude, already agitated by religious contest, were now inflamed by the repetition of stories, which had often been disproved, yet were again believed with their wonted credulity, because they were repeated. The successive endeavors of the governor, to silence clamor and to preserve obedience, were easily turned against themselves, as, during times of high passion, the governed readily credit whatsoever is reported of their rulers. And insurrection became general in Maryland during July, 1689. Seven hundred men, conducted by Coode, who, in the reign of Charles the Second, had been prosecuted for seditious practices, who, in the present, was convicted of blasphemy and treason, seized St. Mary's, the capital; the militia, animated by a similar spirit, refusing to defend it. While the provincials were thus desirous of change, he easily compelled Joseph, the president, Darnal, Diggs, and other principal officers, to surrender by capitulation the only provincial garrison, since a falling government finds few friends. And sad experience, ere long, taught the planters, that stipulations made with men, who, in their zeal for innovation, depart from rigid duty, are seldom regarded when they have gained their ends.

Under the form of "a committee of safety," the insurgents instantly assumed the command, which they had thus acquired, partly by address, partly by force. Conscious that recent transactions would appear extraordinary in the eyes of neighbors, who were not actuated by the same passions, they published the reasons of their conduct, in one of those declamations which, on such occasions, are distributed without gaining belief, because they are always feigned. Two causes of their revolt from the proprietary government,

among a great variety, are remarkable ; " That it had been deemed criminal to assert the sovereignty of England over that province ; that the ill usage of the king's custom-house officers showed the bad designs of the late rulers." In order to gain approbation and consequence, the leaders assembled a convention of deputies in August, 1689, though several of the counties refused to concur in unnecessary measures, from which no good could result. They formally deposed Lord Baltimore, whom they accused of misgovernment and of crimes, though every grievance had a few months before been fully redressed in assembly. Having proclaimed the accession of William and Mary, they ordered their names to be inserted in public proceedings, where the proprietors' had formerly been. To their new sovereigns they transmitted an address, congratulating their accession and begging for support. They rewarded their friends, they punished opponents ; and they convinced this miserable colony, by their vehemence, that usurpation and tyranny are the inseparable companions of each other. That monarch adopted an advice agreeable to his views, when he approved the proceedings of those, who, in their zeal to promote his cause, had wounded his prerogative ; directing them, in a tone of authority not altogether consistent with recent engagements, to continue the administration in his name till further orders. He did not reflect, because his mind was occupied only with schemes of influence and conquest, that, in order to gain present power, he gave his assent to transactions, which, while they deprived an individual of his rights contrary to law, engendered a spirit of revolt, that, in after times, would shake the throne on which he then sat.

CHAPTER IV.

PENNSYLVANIA. — State of Feeling in Relation to the Accession of William the Third.

WITH Baltimore, Penn had promised to obey the orders of the Privy Council for proclaiming William and Mary, though he probably had no design to comply, since he owed the greatest of obligations to James. Governed by the spirit of their proprietor, whose attachments to the late king were even then perfectly known, the Pennsylvanians continued to administer in tranquillity the laws in his name, long after he had ceased to rule. And, though a compliment was at length paid to the title of their new sovereigns, they were perhaps never formally announced in Pennsylvania, because the Quakers discovered in their abhorrence of pomp an excuse for their principles.

CHAPTER V.

NEW ENGLAND.—Warnings of the Accession.—Official Notification countermanded through the Influence of Phips and Mather.—Unsuccessful Prayer for the Restoration of the Charters.—Advice of the Lords of the Council for Colonies, disregarded by the King.—Insurrection.—Andros deposed.—Government assumed by a Committee of Safety.—William and Mary not proclaimed.—Government settled according to Charter Rights.—The Assembly's Address to the King.—Arrival of Sir William Phips.—Proclamation of the King and Queen.—Second Address to William and Mary.—Gracious Reception of the Addresses.—Vigor of the Government of Massachusetts.—Remarks on the other Colonies of New England.

PENNSYLVANIAN peacefulness formed a remarkable contrast to New-English turbulence. As early as January, 1689, the leaders of Massachusetts received from Phips, Mather, and other emissaries in England, not only notice of the approach of the Prince of Orange, but warnings to prepare the minds of the people for an interesting change. And reports were propagated, which the multitude easily believed, since they wished them to be true; which, by invigorating expectation, qualified them to be then, what in all revolutions they have been, the mere instruments of the interested designs of others.

In order to preserve the peace of New England, William had in the mean time directed, that the same orders should be sent thither as to other colonies, for continuing the power of officers. But Phips and Mather, perceiving in this prudent conduct the disappointment of their projects, hastened to procure a countermand of what they foresaw must embarrass their

friends, by strengthening the hands of the hated Andros. They equally prevented the Privy Council from sending thither that legal notice of the accession of their new sovereigns, which it was their duty to have transmitted to every dominion of the crown. And, encouraged by success as well as by the favor of Mary, that had meanwhile been gained in Holland, the same agents prayed, that the New-English might have their charters restored; might be allowed to resume their ancient governments. Fully informed, however, of the proceedings which had deprived them of the object of their prayers, the lords of the Council for Colonies advised, "that a governor should be sent to New England in the room of Andros, with instructions to proclaim the king and queen; that a lasting establishment should be prepared, so as to preserve the privileges of the people and their dependence on the crown." But, owing to private suggestions, that monarch weakly disregarded the salutary advice of his counsellors. His commands, to send commissioners and to prepare a charter, were in their turn neglected, because they had flowed from partisans, who only wished to disappoint the designs of statesmen so different from their own.

While William resigned thus the direction of his spirit to improper influence, because it was inconsistent with the interest of his kingdom, the seeds of commotion had been scattered in the prepared soil of New England with lavish hands. And the care of the sowers was rewarded with a plentiful harvest of insurrection in due season. In April, 1689, the fortresses and government were demanded of Andros, in language which admitted of no denial, though he was supported by two companies of soldiers, who had been sent thither to maintain his power. And their success only shows, what history had already demonstrated, that it

requires a mighty force to resist the enthusiasm of a people. Those who had chiefly raised the storm instantly seized the helm and directed the bark, under the famous appellation of "a committee of safety." But William and Mary were not proclaimed. Though their names had been borrowed to delude the vulgar, their interests were regarded by none, because the revolution had been achieved at Boston, not to gain a crown for another, but to acquire independence for themselves. Inspired by this sentiment, the assembly, which was soon after convened, immediately resolved "to settle a government according to charter rights." They justified this forward conduct by insisting, "that, since the method lieth wholly in the voice of the people, the reëstablishment of patent privileges was correspondent to the late settlement of affairs in England." And they transmitted to William an address, copied almost literally from the unmeaning congratulations which had been presented to Charles the Second, since both were intended to promote the same deception; neither admitting nor denying the kingship of either. Sir William Phips at length brought his countrymen from London a confirmation of the ultimate success of the revolution; and, while he informed them of the zealous conduct of the agents which had contributed so much to their present felicity, he convinced them of the necessity of declaring in favor of that event, without reserve, by formally proclaiming the new king and queen. This ceremony was therefore performed the day of his arrival, with more than usual pomp, because affectation was called in to cover disappointment. A second address was not long after transmitted to William and Mary; congratulating their accession, assuring them of their joyful proclamation; and praying for a restoration of the ancient government.

Overlooking recent averseness in the joy of the moment, their new sovereigns received graciously their addresses. They not only approved, with the flattery of courts, "their readiness to proclaim the king and queen," but empowered them to continue the administration in the royal names, till orders should be given for a final settlement of their affairs. The New-English were admonished at the same time to observe the acts of navigation, because the commissioners of the customs had represented the irregularities of their commerce.

Distrusting their own powers, the new government at Boston had for some time ruled the colony with unsteady hands. When they were exhilarated at length by approbation, they not only assumed a more vigorous conduct, but endeavored by pious fraud to convince the multitude, that, in an official despatch, they had obtained under the great seal a confirmation of the charter, which had been promised by their deluders as the reward of their violences. Thus did a monarch, praised for utility of design, cultivate a spirit, which disturbed ere long his own repose; which in after times involved his successors in continual embarrassments, by inflaming sedition, so inconsistent with that calmness of repose, wherein all rulers delight. Neither party seemed to observe that the principles avowed on that memorable occasion would have justified the New-English insurgents to have continued themselves the subjects of James, to have chosen a king different from the sovereigns of England, or to have declared themselves an independent state. As a sovereign commonwealth, indeed, they acted from the commencement of the insurrection, till William and Mary were proclaimed, on the 29th of May, 1689.

By the weaker colonies of New England, Massachu-

setts had long been regarded as a pattern, because she was deemed the most powerful, perhaps the most sanctimonious. Considering the imprisonment of Andros as an emancipation from bondage, they in the same manner reëstablished their ancient governments. They also proclaimed the new king and queen, when they saw that their interests demanded submission; in a similar spirit congratulating their accession and begging for favor. And, without the royal assent, they resumed their surrendered charters, which, with the approbation of eminent lawyers they have enjoyed, though not without interruption, to the present times.

CHAPTER VI.

NEW YORK.—Dissatisfaction with the Annexation to New England.—
Leisler's Insurrection.—Seizure of the Fort.—Government under a
Committee of Safety.—Proclamation of William and Mary.—The King
empowers Nicholson to continue the Government.—Assumption of Au-
thority by Leisler.—Proclamation of William and Mary at Albany.—
The Albanians refuse Obedience to Leisler.—Consequences.

THE contagion of change soon extended its influence southwards and produced similar commotions, though on dissimilar principles. The annexation of New York to New England had given just dissatisfaction, because it mortified the vanity of independence, while it deprived her of the rights of an equal station. And she rejoiced in the designs of the Prince of Orange, which she foresaw would probably free the province from an abhorred connection. Yet every one remained quiet till they heard of the revolution at Boston. An ignorant populace were now instigated by Leisler, a ruined merchant of the lowest education, who expected to gain from confusion what had been denied to his talents, to seize the fort, while the magistrates were assembled to consult of the public safety. The insurgents instantly declared their design of holding the garrison for the powers then governing England, till it should be demanded by "a protestant governor." And a committee of safety assumed the conduct of affairs, who, without reserve, proclaimed William and Mary, in June, 1689, since, at the same time that they gratified their present passions, they looked for future favor.

Informed of the friendly principles of New York and of the submissive inclinations of lieutenant-governor Nicholson and the council, that monarch empowered him to continue the government in the names of the new king and queen. What was written to another, Leisler considered as addressed to himself, because he alone ruled the colony, from the time that tumult had chased Nicholson away. And he thenceforth assumed the name and acted in all things as chief ruler. Yet it required force to support his unmerited authority within the capital, since the principal persons regarded him as an "insolent alien," while they denied his right, though it had been strengthened by a partial convention of delegates. Hurried on by the same passions, because they were equally the descendants of Dutchmen, the inhabitants of Albany in the same manner proclaimed their beloved Prince of Orange; but refused obedience to Leisler, whom they deemed an usurper, though they acted on his principles. And the foolish forwardness of the province was soon sufficiently punished, by suffering every mischief of foreign and domestic war; not more from the barbarous irruptions of the Canadians than from the frantic conduct of a man, who, inebriated with undeserved pre-eminence, regarded every one as a rebel against lawful power, who did not acknowledge his jurisdiction and obey his mandates.

CHAPTER VII.

NEW JERSEY. — State of Peace and Quietness.

INFLUENCED on that occasion by the principles of the Quakers, the inconsiderable settlement of New Jersey adopted the peaceful conduct of Pennsylvania rather than the frenzy of New York. The planters did not announce the title of princes for whom they felt no predilection. Perceiving that the interests of James had been injured by commotion, they thought it prudent, perhaps safe, to wait the decision of their fate from England. And, owing to the singular situation of the proprietors, whose right to rule was justly disputed, they remained, from the imprisonment of Andros, till August, 1692, without any perceptible administration.

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CHAPTER VIII.

CAROLINA.—Proclamation of William and Mary.—Remarks on the Acknowledgment of William and Mary by the Colonies;—On the Divine Right of Kings.

ALREADY occupied with domestic broils, the Carolinians proclaimed William and Mary, the moment they received the command of the proprietors, who punctually executed the orders of the Privy Council. The colonists showed by their apathy, that they had been too much engaged at home to attend to the intrigues of the revolution; little interesting themselves whether James or William exercised a government, which they then seemed disposed to obey.

Maryland and New York, of all those plantations, alone acknowledged the title of William and Mary by positive declaration. Urged each by the same zeal, their assemblies passed "acts of recognition," acknowledging "that their majesties were, and of right ought to be, *by the laws of England*, their sovereign liege lord and lady." But of another legal acknowledgment, promulgated by Maryland in the subsequent reign, Sir Simon Harcourt remarked, "that, though it was an instance of fidelity, such a law is improper to be passed by the assembly of a province entirely dependent on the crown of England." When the other colonies proclaimed the new king and queen, they implicitly recognized their title and the authority of the legislature which had given it. When the allegiance

of the colonists was transferred to new sovereigns, who were invested with an essential vote in the making of laws, who were intrusted with the whole executive power, the Parliament exerted assuredly the highest of human jurisdiction. Yet no assembly was called; the consent of no local legislature was asked. In the judgment of those assemblies, and of those times, every subject of the crown was bound by the memorable determination of the Lords and Commons, wherein the assent of every Englishman was at that epoch supposed to be included. In contradiction to those who honestly opposed that interesting settlement, since they thought the title to the crown had been derived from heaven, the rectitude of the measure has been defended, by insisting, that, though government in the abstract ought to be regarded as a blessing of the Almighty, yet the various modes of it, which are found actually existing in the world, have drawn their existence and their force from the compacts of society, and therefore, like property, and every other social right, must be subject to the coercion of human laws; that, in the British constitution, the Parliament, being fully invested with every power of the people, because they formed the body politic of the state, and the safety of the whole requiring that one will should only exist, possessed competent authority to settle the descent of the crown, as well as to regulate every other conventional establishment. Had each provincial assembly possessed the same freedom of choice as the Parliament of Scotland actually exercised, when they determined that James had "forefaulted the crown," it is easy to perceive that William and Mary would never have been chosen king and queen of New England, of Pennsylvania, or the Jerseys.

CHAPTER IX.

THE COLONIES.—Continental Colonies established at this Time.—Number of English Subjects in them.—Commerce.—Duties.—Charter Governments.—Proprietary Governments.—Royal Governments.—Restraints and Freedom of these Governments.—Carthaginian and American Colonies.—The British Constitution respected in Virginia;—Derided in New England;—Regard for it in Maryland.—Effects of the Seditions in the Reign of Charles the Second.—Change in the Colonists' Sentiments.—Loyalty of New York.—Diffusion of New-England Principles.—William the Third neglects Advice to make the Colonies dependent.—Democratic Spirit of the Legislatures after the Revolution.—No standing Income nor permanent Salaries voted.—Dependence of the Officers of Government.—Effects of the Assumption of Power by the Legislatures.—Governor Hunter's Statements of the Usurpation of Power by New York Delegates.

IF we except Georgia, which was afterwards planted, and Nova Scotia, the Floridas, and Canada, that were successively conquered, the continental colonies, thus considered by the nation as territories of the empire, and so admitted by themselves, had been now firmly established. Yet of English subjects they contained no more than two hundred and fifty thousand; whose commerce, carried on by twenty-five thousand tons of shipping, which were navigated by six and twenty hundred seamen, could be no considerable object either of envy or desire, though it had been already thought worthy of care. And the commissioners of the customs informed the ministers of William, that the domestic duties, arising from the product of Virginia and Maryland alone, amounted to two hundred thousand pounds a year; justly insisting, that a traffic, which contributed during those days of scanti-

ness so great a sum to the national revenue, merited the public protection.*

Formed at different periods on no consimilar plan, the colonial constitutions, though extremely liberal and free, were remarkably unlike in their detail; and they acquired the appellation of charter, proprietary, and royal governments, from the nature of their forms, which, without searching the recesses of antiquity, may be all found in the royal charters or commissions under the great seal of England. Massachusetts, Rhode Island, and Connecticut were chartered colonies; enjoying systems altogether democratical, without yielding to England the unsubstantial appearance of sovereignty. New Jersey and Pennsylvania, Maryland and Carolina, were proprietary plantations, in which the lords of the soil, having derived from the same source the regal rights by counts-palatine enjoyed, stood in the place of the king; who possessed within their limits neither the means of effectually executing what the supreme legislature had enacted nor the undefined authority, which superintendence may claim. In the royal governments of Virginia, New York, and New Hampshire, the gov-

* The following accurate detail will show more accurately the genuine importance of the tobacco trade at the revolution, consisting of a yearly importation of 15,000 modern hogsheads, and a reexportation of 10,000 hogsheads, and the true value of the revenue which it then annually yielded to England, under the statute of I. James the Second, ch. 4, that had imposed 3*d*. a pound more than the former duty of 2*d*.

Tobacco imported in		Duties.
1689,	14,392,635 lbs.	
"	"	"
"	"	"
"	"	"
"	"	"
"	"	"
"	"	"
Five years' importation,	75,150,877 "	duty at 5 <i>d</i> . per lb. £1,565,839 2 <i>s</i> . 1 <i>d</i> .
Annual average,	15,030,135½ "	" " " " " £313,127 16 <i>s</i> . 5 <i>d</i> .;

Two thirds of which were supposed to have been reexported, and the remainder to have been consumed; 5,010,045 lbs. at 5*d*. a lb. £104,375 18*s*. 9*d*.

The prodigious difference between the yearly sum, stated loosely by the officers of the customs, and the amount of more accurate inquiry, only demonstrates that in all declamation there is falsehood.

error, the council, the delegates, formed a miniature of the king, the Lords, and the Commons. The governor had the honor of representing the body politic of the king; the counsellors awkwardly discharged the twofold duty of the peers, by acting as the advisers of the governor and as senators in the making of laws; the delegates engaged the submission of the governed, to what all had assented, since they were chosen by them.

Thus, derived successively from royal grants, the colonial constitutions, as well as every other territorial right, must have been all restrained within the limits of such privileges as a king of England could give. A limited monarch himself, he could not confer unlimited jurisdiction on others; as he could not naturalize an alien, he could far less deprive the meanest of his people of the character of subject. The local legislature, whether of the charter, the proprietary, or the royal governments, was little similar to the Parliament, because the one was merely the legislature of a district, the other was the legislature of an empire, composed of many districts; and the assembly was therefore provincial and subordinate; the Parliament was universal and sovereign. Hence, the plantations were acknowledged to have been dependent territories, since their legislatures were restrained by the nature of their inferiority, though every assembly enjoyed within its region that species of supremacy which is incident to legislation; neither forming, however, distinct communities, nor enjoying every gratification of self-rule. The jurisdiction of the legislators of the nation and the province must have been always directed by the essential principles peculiarly belonging to each. When the supreme authority no longer exercised or claimed the powers of sovereignty, it could not be any more regarded as sovereign; when the subordinate body ex-

erted avowedly the jurisdiction of sovereignty, it ceased to be subordinate. And the persons of the planters enjoyed a freedom, bounded only by circumstances, in which they had voluntarily placed themselves, while their political bodies alone were restrained by a subordination resulting from their situation.

Among the subordinate settlements of antiquity, the Carthaginian colonies approach the nearest in all their various characteristics to the American plantations of the English. Yet we search history in vain for models of provincial systems, so favorable to freedom and prosperity, as those which England, without design, gave to her transatlantic territories, though they did not always promote her interest or insure their own quiet. It is curious to trace the cause, why forms, thus liberal in their creation though not perfect in their detail, should have given rise to contest, to refractoriness, and at length to civil war.

There exists in the minds of men an active principle, which, while it prompts them by every motive to throw off present evil or to grasp at future good, leaves them little time for repose. Urged by this sentiment, the subjects of England engaged in colonization during the administration of James the First. Incited by it, thousands emigrated to the American coasts during the eventful reigns of his two immediate successors. And the various emigrants introduced modes into their religious and political establishments, and adopted customs in their progress, as they were each directed by different maxims. The original Virginians, who, long subjected to martial law, derived a kind of emancipation when placed under the domination of prerogative, transmitted habits of respect for the constitution of England, which long engaged their obedience to her rules. The enthusiasts, who planted New England, derided the au-

thority of their native land and neglected the jurisprudence of their fathers, the moment wherein they no longer felt the coercion from which they had fled; and, forming systems on congenial principles, they acted during sixty years rather as the allies than subjects of the state. Partly owing to their charter, but more to their religion, the settlers of Maryland, while they remained unmixed, paid a great regard to forms; and, while they enacted regulations which new circumstances demanded, they esteemed, because their affections were yet strong, the laws of their pristine country as the chief rule of their conduct. The civil wars introduced every where a considerable alteration in the manner of thinking as well as in modes of action. The universal seditions of the reign of Charles the Second demonstrate how much the colonists watched the contests of England during that factious period, how much they were directed in their views and in their behavior by her felicity or entanglements. The consequent revolts only evinced, that men, who emigrate because they are impatient of control, will naturally urge insurrection when experience has proved that inclination may be gratified without dread of punishment. And the revolution strengthened by its maxims and example the propensities, which had descended from the original planters to their posterity, who, in their affection for their native territory, forgot what they owed to the nation from which they had sprung.

That a change had now occurred in the sentiments as well as in the conduct of the provincials was no sooner perceived, than it was communicated to those who ought to have observed innovation and obstructed its tendency. Instructed by the active part which Connecticut had played in the affairs of New York, during the misrule of Leisler, her counsellors wrote to the

lords of the committee of colonies, in July, 1691, of what they deplored, as not the least infelicity of that dangerous season ; "that New England had poisoned those western parts, formerly signal for loyal attachments, with her seditious and antimonarchical principles." The "poison" seems, in seven years, to have corrupted the whole mass. While Grahame, the attorney-general, represented "the languishing state of the province," he informed Blathwaite, of the Board of Trade, in September, 1698, "that the principles of loyalty and good affection to the crown, which were inherent to the people of New York, are now extinguished." The contagion soon overspread the southern colonies, because predisposition of habit naturally attracts infection. Quarry, whose office of surveyor-general of the customs enabled him to know the genuine principles and practice of every province, represented officially to the Board of Trade, in 1701, "that this malignant humor is not confined to Virginia, formerly the most remarkable for loyalty, but is universally diffused." And he thus endeavored to account for what he presumed might appear incredible to those who could not call in the information of sight to the aid of judgment ; "I have sometimes believed that this change of temper, which has become apparent to every one, might proceed from those late commonwealth principles too much improved in England ; but I think the cause to arise from the bad example of the proprietary colonies."

Before those instructive notices arrived, the turbulence and distraction of the reign of Charles the Second had given a lesson of wisdom to the statesmen of England ; who adopted at the revolution, without success, the same policy which had been recommended with so much earnestness at the Restoration. Having

considered "the present condition of Carolina, Maryland, Pennsylvania, and other colonies, which having been granted to several persons in absolute property, whereby they claim a right of government," the lords of the committee of colonies represented to their unexperienced sovereign, in May, 1689, "that the present circumstances and relation they stand in to the government of England, is a matter worthy of the consideration of Parliament, for the bringing of those proprietries and dominions under a nearer dependence on the crown, as his majesty's revenue in the plantations is very much concerned herein." But William was too much engaged during that busy moment to attend to that salutary advice, the neglect of which he lived to repent. Of the twelve continental settlements, nine of them were chartered colonies, whose systems were perceived to have been so independent as to leave little more than general superintendence to the state; whose "bad example" had thus inspired the other three with "anti-monarchical principles." Of the royal provinces it was moreover remarked, by the wise, "let them be never so well, each conceives an opinion that their neighbors are better whilst upon another foot of government."

Alteration of principle necessarily produces change of action. A democratical people would naturally choose representatives of congenial spirit, who, in their legislative conduct, would endeavor to carry into execution the habits of their constituents. From the revolution may be traced, in the proceedings of the various assemblies, the effects of that remarkable novelty which had thus struck beholders, the baneful influence of which contemporary men deplored. Almost every local legislature passed declaratory laws, affirming, in the genuine tone of sovereignty, what should be deemed the privileges of the planters;

which, in pursuance of the advice of the ablest jurists, were rejected by William, because it was thought incongruous for the legislative power of a province to declare on what terms it would be connected with the nation. Though the royal governors seldom executed their instructions, they never denied obedience; since they constantly saw before them the punishment annexed to recall. The counsellors, appointed by the king, seldom assumed greater privileges than his commission conveyed, because every one felt the instability of his station. But the delegates, urged by "the commonwealth principles" of their constituents, exercised greater powers than the Commons, because, while this circumstance gratified their own vanity, it engaged the suffrage of their electors. In vain, the governors and the Board of Trade put them in remembrance of the inferiority of their station, of the inadmissibility of claims, which included sovereignty and led to independence. They continued to extend their authority, as the only means of control existed in the chief magistrate's right of dissolution, that oftener invigorated pretension than repressed inclination. To consent to no standing income, to fix no established salaries, had been resolved on in Massachusetts, at the revolution, as a policy which would alone establish the preëminence of the representatives. That profound determination the New-English imparted, with other lessons, to every colony. When the distresses of the war demanded money, the delegates withheld supplies, since denial promoted their consequence; when they were asked to grant a revenue for the support of government, they showed how easily they could reduce all officers to dependence. Having acquired a species of omnipotence from watching over the property of their people, they overawed and even annihilated the other members

of the local legislature. Their refractoriness procured the expulsion of obnoxious counsellors. And, having reduced to a miserable subservience the governors, they, without difficulty, effected their recall, by those arts, which popular conventions know how to use, either to gratify passion or to extend their privileges.

Of all governments it has been remarked, that they have a natural tendency to degeneration. The colonial constitutions had scarcely been formed, when they were either misunderstood by ignorance or misinterpreted by design, when they were attacked by encroachment and resigned to their fate by neglect. Having learned from the New-English, amid the wars of William, all the advantages that might be derived from granting supplies or from withholding them, the deputies of the planters completed their plans of aggrandizement, during the hostilities of Anne. In the insolence of triumph, they seem to have added contempt to usurpation. The ministers of England were assured, "that her majesty's Council is vilified and insulted, and the officers of government are looked upon as enemies and as marks of their malice; and all this without any provocation." Yet those objects of their scorn or their hate only experienced the common lot of the miserable mortals, who, having nothing to give and much to ask, are seldom regarded with respect or kindness. Impelled by what he felt more than by what he saw, Governor Hunter wrote from New York to Secretary Saint John, in 1711; "Now the mask is thrown off. The delegates have called in question the council's share in the legislature, trumped up an inherent right, declared the powers granted by her majesty's letters patent to be against law, and have but one short step to make towards what I am unwilling to name. The assemblies claiming all the privileges of a

House of Commons, and stretching them even beyond what they were ever imagined to be there, should the counsellors, by the same rule, lay claim to the rights of a House of Peers, here is a body coördinate with, claiming equal powers, and consequently independent of, the great Council of the realm; yet this is the plan of government they all aim at, and make no scruple to own. But, as national and independent empire is to be exercised by them that have the proper balance of dominion in the nation, so provincial or dependent empire is not to be exercised by them that have the balance of dominion in the province, because that would bring the government, from being provincial and dependent, to national and independent."

CHAPTER X.

NEW ENGLAND.—The King's Rejection of the Proposal of Neutrality for the Colonies.—Subsidies granted to the King by Parliament.—Indian Incursions into Maine and New Hampshire.—Attack on Acadia and Acquisition of Port Royal.—Treatment of the Acadians.—Establishment of a Government there, subordinate to Massachusetts.—Phips's Expedition against Quebec.—First Paper Bills issued within the Dominion of England.—Clause in the Corporation Bill, restoring the Charters of New England.—The Charter of 1691.—Dissatisfaction of Cooke.—General Indignation.—Mather justifies his Conduct.—Reception of Governor Phips.—The Assembly of June, 1692.—Acts of Innovation by them disapproved by the King.—No Taxation but by Consent of the General Court.—Thirty Thousand Pounds granted for the Security of the Frontiers.—No Salary allowed to Governor Phips.—Fate of Phips.—Expedition under Wheeler, from England, for the Conquest of Canada.—The Reception thereof at Boston.—Subsequent Lassitude of Massachusetts.—Insecurity of the Eastern Inhabitants.—Application to England for Aid.—The Appointment given to Lord Bellomont.—Aid granted.

URGED by passion rather than by prudence, William had no sooner ascended the throne than he was compelled, by a kind of necessity, to enter into a war with France, without examining, however, the extent of his resources or the difficulty of the dispute. He rejected, without consideration, the proposal of neutrality for the colonies, which had been early offered by his too potent adversary, because he mistakingly regarded twelve provinces as more powerful than one; because he presumed that the sixteen thousand fighting-men, who occupied New York and New England, would easily conquer, at least, repel, the three thousand combatants whom Canada contained. Though trial discovered the fallacy of supposing, that the distracted many must subdue the united few, his successors have been

equally disappointed, because they thought and acted in a similar manner. Having incited the colonists by every topic that could rouse hostility, he at the same time commanded the governors to prepare for speedy war, and sent warlike stores to those, who, unable to supply themselves, were thankful, while they yet enjoyed the benefit, in proportion to the importance of the boon. He, who prepares for modern warfare, ought to feel the weight of his purse. The Commons looked into every dominion of the crown for objects of taxation to support an arduous struggle, that had the interests and the freedom of all for its end. And they granted to William, at the revolution, the same subsidy of tonnage and poundage, which had been conferred on Charles at the Restoration; the same "plantation duties" that had laid the seed-plot of a "colonial revenue" in 1672.*

Inflamed by those motives of enmity, which have always existed between the aborigines and the planters, which had incited the destructive war of sachem Philip, in 1675, the Indians had attacked the northern borders of New England, even prior to the revolution. But, though they were not subdued, they were at least repulsed, by the prudent vigor of Andros. The insurrections at Boston, by disbanding the army, inspired the tribes equally with revenge and with hope of plunder. Having at length received instructions from France, the eastern hordes overran Maine and New Hampshire, which, during the year 1689, were almost deserted; as the new rulers, who were scarcely obeyed,

* II William and Mary, sess. 1. ch. iv; which recites and confirms the various statutes of the two preceding reigns, with regard to the colonies. Against that money bill the New-English merchants petitioned, because it continued the duty, which had been, with the justest policy, imposed on the importation of fish and furs in vessels of the plantations, in order to favor the fishers of England, but the Commons refused the petition. Com. Journ. 11 v. 30 June, 1688.

because every one expected change, were unable to defend a wide extended frontier against the incursions of a desultory enemy, dreaded for his cruelty rather than feared for his power.

Aware that the complaints of the unprotected planters would be reëchoed in England, the new government resolved on an enterprise, which should convince the world of their potency, and even confer celebrity on their arms. In April, 1690, they attacked Acadia, in order to revenge recent devastations, to prevent the French from giving lessons or aid to their barbarous allies. They acquired Port Royal, its ancient metropolis, by a capitulation, which they immediately violated, because the plunder of the enemy had been already appropriated for defraying the principal charge of the expedition. They ravaged as much of the country as they could command, that they might compel the ruined inhabitants to swear unwilling allegiance to the sovereign of England. And, having established a government subordinate to Massachusetts, since they wished to recall the days of former aggrandizement, the New-English departed for Boston, without leaving a soldier to support an authority, so inconsistent with the prejudices of the conquered. The Acadians, whose continued misfortunes have at all times excited a just commiseration, did not in their turn pay much regard to oaths, which, having been imposed by men, who left them an example how little the godly regarded the most solemn conventions when they expected to gain from perfidy, the subjected supposed, might be broken in the hope of forgiveness.

Buoyed up with success, and expecting to acquire from a warlike prince a renewal of their charter by showing they deserved it, the new government determined to conquer Canada. Against Quebec they sent

Phips, with a small fleet and army, in September, 1690; relying too much, in the formation of their project, on solicited aid from England, on a promised diversion from New York and Connecticut. Disappointed by a tedious voyage, in his hopes of gaining by surprise what had been too confidently looked for, that officer was finally repulsed, because his force was unequal to the end. Count Frontenac was a more experienced commander, and the season warned him to retire. The Canadians derided the rude efforts of Phips, while they detested the New-English as breakers of a capitulation, contrary to the law of nations; as rebels against their sovereign, since they promoted the cause of a prince, whom their monarch deemed an usurper. The arrival of an armament, ruined as much by misconduct as by storm, while it infected the country with the diseases of the camp, convinced the rulers, that they, who calculate on the plunder of an unsubdued enemy to defray the expense of conquest, will be rewarded oftener with disappointment than success. The expedition had cost one hundred thousand pounds. The surviving soldiers clamored for their pay; and, unable to collect a speedy supply from a dispirited province, the general court issued, in December, 1690, the first paper bills, which had been ever struck within the dominions of England; which, however, "neither commanded money, nor commodities at money-price." Though those enterprises were not successful, because the projectors trusted too much to distant contingencies, they evince what little communities are capable of performing, when left to their own efforts, and the spirit of a free people animates the plans of their rulers. Additional agents were, not long after, sent to England to set forth the merits of Massachusetts, and to claim the reward of her exertions and her hazards.

Meanwhile Mather, who had watched over the interests of his countrymen in England from the reign of James the Second, penetrated the real character of William. As this prince, in his attachment to prerogative, had refused to restore the ancient government, because he had heard of its irregularities and wished to participate power with others, that zealous partisan endeavored to gain from Parliament, by intrigue, what the king had denied to his prayers. He procured by his management, perhaps by his money, the insertion of a clause, restoring the charters of New England, in the famous corporation-bill, which was intended by the whigs to secure their influence forever. The projects of both were disappointed, as the court perceived that the one designed to establish the independence of New England, and the other to subject the nation to the domination of a party. The New-English foresaw, that, could they only procure the confirmation of an act of Parliament, it would be impossible, at least illegal, for any future king to copy the example of Charles the Second or James; and, even admitting, by the confirmatory law, the undefined sovereignty of the legislature, this circumstance they knew would neither impose a tax, nor enforce obedience, while they should act without control.*

Despairing to obtain what had been the chief object of Massachusetts, because it had insured her unaccountable power, the agents resolved to solicit a new

* At the era of the revolution the colonies seem to have been at once objects of the attention and the disregard of Parliament. On the second of February, 1686-9, Treby reported to the convention, what was then adopted among various propositions for securing the liberty of the subject, "that cities, universities, and the *plantations* ought to be secured against *quo warrantos* and surrenders, and their ancient rights restored." [Com. Journ. 10 v. p. 17.] This clause, however, was struck out of the claim of right, which was presented to the Prince and Princess of Orange eleven days thereafter. Nor was the colonial administration of James the Second recited, in the subsequent declaration of rights, [1 William and Mary, 2 sess. ch. ii.] among the twelve assigned causes of the revolution. Thus design seems to have cooperated with negligence.

charter, since the old could not be regained. It is a lamentable characteristic of the colonial policy of England, that she has generally acted in contradiction to her avowed principle and to her real interest. All preceding kings and ministers had disapproved of conferring charters, yet continued to grant them. The revolution had been scarcely achieved, when the most experienced statesmen advised their new sovereign to recommend to Parliament the resumption of chartered governments, so independent of the state; yet, in opposition to the judgment of the lords of the committee of colonies, it was determined to grant a new patent to Massachusetts, which could not be framed without conferring greater privileges than the old had contained. This transaction does little honor to any of the parties. Nothing could be more degrading than the long struggle between William and the agents, the one to retain, the others to extort, the greatest possible power. He who compares the charter granted in March, 1629, with that which was thus given in October, 1691, must perceive that the first was conferred on a corporation within the realm, for the direction of a distant factory, the last created a provincial system for the government of a subordinate territory. He who makes a comparison of the accurate provisions of the charter of Pennsylvania, which had been settled by North ten years before, with the inartificial clauses of the patent of Massachusetts, that was now revised by Treby, will see, in the first, the attention of a great statesman to the laws and interests of England; in the second, the disregard of a little party-man to both.

.If we except New Hampshire, the extensive region between Cape Cod and the River St. Lawrence, comprehending the whole of the ancient New England, was erected, in 1691, into a province of the English

empire, by the name of Massachusetts Bay. The legislative power was invested in the governor, the council, and representatives; who were empowered to meet once a year, or oftener, to make laws, which should not be repugnant to the jurisprudence of England, which should be transmitted for the royal revisal; to raise taxes for local uses, that should be issued by a warrant from the governor with the consent of the council. To the king was reserved only the appointment of the governor, the deputy-governor, and secretary. To the governor was given the exclusive power of summoning the council and assembly; of adjourning, proroguing, or dissolving them; of dissenting to laws or to the choice of counsellors; of commanding the militia within the province, and erecting fortifications. To all other governmental acts the consent of the council was required. The assembly was authorized to appoint, annually, the council, to nominate such officers as were not thus reserved to the king or to the governor, to declare crimes, to impose fines and other punishments; to erect courts of justice, the admiralty only excepted, with the reservation of an appeal to the king in personal actions. To the planters were idly granted, since they could not have been taken away, the privileges of natural-born subjects, and liberty of conscience to all, with an exception of papists, though a king of England could deprive a Roman Catholic of nothing that the laws had not already divested. This charter offers a singular instance, how seldom the corrections of many hands illuminate the obscure or disentangle the intricate.

Having thus granted to Massachusetts those privileges which she had usurped sixty years before, the agents were complimented with the appointment of the first governor, since they had assented to the future

nomination of the king. Yet Cooke, one of their associates, was highly displeased that the charter had reserved one particle of monarchical power, since he wished to resume ancient forms, and therefore opposed that flattering attention; as he remarked, "the appointment of an obnoxious ruler would make the people rise." This distinguishing sentiment of Cooke descended from father to son, till it equally animated the proceedings of the factious leaders of the present times. When a motion was made in the house of representatives for an address to the king to remove Hutchinson from his government, it was opposed by Hawley on the tribunitial reasonings of Cooke, "as his removal would deprive them of a cause of clamor." In the midst of his dissatisfactions, Cooke gave warning to his constituents "to establish no officer's salary, to perpetuate no public revenue." The cautious lessons which he taught were easily learned by his countrymen, to whom they were pleasing; and they were afterwards formed into a regular system of opposition by that crafty politician, that gave William and his successors abundant cause to repent the present impolicy. From the intrigues of the revolution it became the topic of universal remark in New England, which by no means raised the national character, "that any thing could be obtained at Whitehall for money." The governors, Fletcher and Nicholson, who made a merit of communicating what they did not perceive reflected less on the country than the court, were not thanked for their information, because it probably hit the men to whom it was sent.

Delay is seldom favorable to expectation. The restoration of the ancient system had been so often promised the New-English by their leaders, that the intrigues of Cooke raised disappointment into indignation. And the new charter, favorable as it was to their native

prejudices from its provisions, and to future encroachment from its obscurity, was received with a coldness, bordering on disgust. Mather, whose management had chiefly procured this unpleasing patent, whose services, however, were never repaid, endeavored to justify his own conduct, by insisting on what showed the extent of his own views, "that the general court has, with the king's approbation, as much power in New England as the king and Parliament have in England; the people have all English liberties, can be touched by no law but of their own making, nor can be taxed by any authority but themselves." They adopted the reasonings of Mather, though they did not take the agent into favor, because popularity once lost is seldom regained. Sir William Phips, the new governor, a native of the province and an Independent in his religion, was received with sorrowful pomp, in May, 1692. Yet the change of rulers made little alteration in the government. Nearly the same persons continued in power, pristine customs remained; and, what was of still greater influence, the ancient habits of an unmixed people still urged their pursuits.

Amid unexpected distresses, owing less to the devastations of an enemy, barbarous yet well directed, than to a religious frenzy, which, while it showed the world how much the New-English were still influenced by a gloomy fanaticism, has stained their annals with so foul a dye, Phips called the first assembly, in June, 1692. And, having given a sanction to former laws, they trod in the paths of the Revolution Parliament; because, inspired by their constituents, they thought themselves equally sovereign. Without reflecting, while they thought only of their own aggrandizement, that their charter contained their general privileges, they passed "a bill of rights;" which, having declared

their own immunities, enacted, that no tax should be imposed on the province without the consent of the general court; which, however, was disallowed by William, by the advice of Holt, the chief justice of England, because it contained what none of his predecessors had ever conferred. A code of criminal law was essayed, that was in the same manner disapproved, since it was thought to have been borrowed, with their ancient spirit, too much from the Jewish system to be consistent with the jurisprudence of England. They passed "an act for securing the liberty of the subject," by extending the *habeas corpus* act; but it was rejected, as Somers and other whigs insisted that the benefit of the *habeas corpus* had not yet been extended to the colonies. And few of the laws of that session had the good fortune to please the statesmen of England, since they then thought it of importance to oppose the first steps of innovation. Impoverished as the provincials were by improvident expeditions, their delegates granted thirty thousand pounds for the security of their frontiers, against the incursions of a people, whose wars are vexing but never glorious; who make treaties, which they regard only as suspensions of hostility, since they dread encroachment from the increase of the settlers. Phips had the mortification to find, after all his services, that, though the assembly gave him a small gratuity, "no salary" was allowed or intended." Unacquainted with the deep policy, which had been already adopted, he solicited the royal recommendation of a standing income, which he suggested was essential to his dignity of governor and to his existence as a man. The miserable subservience of Phips occasioned his ruin, and, not long after, his death, because it constrained him to act meanly as well as imprudently; to allow others to execute what

had been intrusted personally to him; to obstruct the custom-house officers while he opposed the acts of navigation, in order to gratify the men from whom he expected his food. It now appeared how little it availed that the prince had the power to appoint a governor, if the provincials might refuse to pay; how difficult it is for dependence to enforce respect.

So often had the conquest of Canada been urged as essential to the safety of the northern colonies, that William resolved at length to gratify his passion for war, by granting the prayers of the planters. Expecting from their zeal a powerful coöperation, that monarch sent a considerable armament to New England, under Wheeler, in 1693, but he returned without performing any exploit, because he was coldly received, after a disastrous voyage, at Boston, by the governor and council, who found excuses, in the want of notice and lateness of season, for their deficiency of power or inclination. When he asked for men to enable him to expel the French from Newfoundland, since they had advised him against an attack on Canada, they pleaded that the charter did not allow them to send out the militia without the consent of the assembly. When he desired their opinion if he could perform any service, equal to the expectations of his master and to the national expense, they requested his early return in the subsequent year. Even the five confederated tribes, who had been promised an attack on Quebec from the sea, derided the English colonists, as a people, from whom it was in vain to expect assistance, since, amid their distractions, they could agree on no common measure.

Having recovered, at length, from the madness of witchcraft, because it began to embrace persons of both sexes and of every rank, the province naturally

found its repose in a state of languor. Indulged in her native prejudices by Phips, and permitted by Stoughton, his successor, to rule herself, Massachusetts resigned herself to the gratifications of private enjoyment, since she did not for years feel the fever of discontent. But the royal government, constantly watched and opposed, did not possess the force and activity of the republican administration that preceded it. The New-English sent no more expeditions into Canada, even when powerful armaments were sent to their aid; far from attacking the enemy in his own country, they gave up their own to invasion. Thus exertion always ends, by an easy progress, in lassitude. And, wholly unprotected, the more eastern inhabitants emigrated to the southern settlements, in quest of that safety, which their native homes no longer afforded. Wasted by the continuance of a war of cruelty, and urged by sense of danger, Massachusetts applied for that aid to England, which had been denied by her neighbors. To William, the general court represented, in 1696, "that though Connecticut, Rhode Island, and New Hampshire, were equally interested, they had contributed nothing to the expense of the common contest; and, since they were all equally benefited by their efforts, each ought to be compelled to give a reasonable aid; and they begged, meantime, that a suitable supply of warlike stores, and an additional number of ships, might be sent to their assistance; that another armament might be detached against Canada, the chief seat of the French power, the unhappy fountain whence flowed New England's miseries." Deeply affected with the French progress, because they were not opposed with equal unanimity and vigor, that monarch appointed Lord Bellomont to rule Massachusetts, New Hampshire, and New York; to command the

militia of Rhode Island and Connecticut, though both had denied submission to Phips; expecting that a prudent governor, invested with extensive authority, might be able to induce the various local legislatures to concur at least in the defence of their constituents. Abundance of arms and ammunition was granted to the solicitations of colonists, whose posterity have boasted, that they had never received any help from England, and an additional frigate was directed to cruise on their coast, for the protection of their fishery. But no regard was paid to the requested attack on Canada, because a cautious prince gave little attention to the suggestions of a people, whom he had found as liberal in promises as backward in performance. Thus, palliatives were now applied to the disorders which had been introduced by recent imprudence.

CHAPTER XI.

NEW HAMPSHIRE. — Opposition of Allen to its Annexation to Massachusetts. — It continues a separate Government. — Administration of Usher. — Lord Bellomont procures its Acquiescence.

NOTWITHSTANDING the continued solicitation of Massachusetts for the annexation of this petty province, since she wished to regain her former authority, the opposition of Allen, who had purchased the right of Mason, the descendant of the first proprietor, continued it a separate government. Usher, a man illiterate and imprudent, was sent thither to govern a people, whose religious and political tenets were equally adverse to the rule of England. And little obedience was yielded to the deputy of a person who demanded to be universal lord of the soil. Influenced chiefly by his opponents, the assembly neither supported an administration which was abhorred and therefore opposed, nor granted money for the defence of a country that was claimed by a stranger. Fearing for his life, amid an enthusiastic multitude, who were managed by the Independent clergy, Usher followed the example of his predecessor, Cranfield, and fled to Boston. And he thence assured the ministers of England, as the real cause of an event degrading to the royal authority, "that it was not his person they hated, but the prerogative of the king." Cranfield rejoiced that his prophecy ten years before, when he was equally obliged to look for protection at the source of refractoriness, was now fully accomplished. Lord

Bellomont, not long after, procured acquiescence by indulging their habits, as he found it so difficult to procure respect for regal power from a democratical people. And experience evinced, that, as indulgence never gains obedience from the froward in the nursery, gratification seldom procures submission from the obstinate in the state.

CHAPTER XII.

NEW YORK.—Governor Sloughter.—Submission of Leisler.—Execution of him and Milbourne.—Two Factions grow out of it.—Reversal of the Judgment of the Colonial Court.—First Assembly under Sloughter.—No Taxation without Consent of Delegates.—Other Acts and Grants of Revenue.—Death of Sloughter.—Counsellors govern.—Their successful Solicitations for Aid.—Governor Fletcher brings warlike Stores, Troops, and Presents for Indians.—Loyal Feelings of the Province.—First Mandatory Letters for assisting New York.—Frontenac's Expedition against the Five Nations.—Fletcher's successful Application for Aid.—Continued Hostilities.—Exertions of the Five Nations.—Internal Factions.—Interference of Sir William Phips.—Protection of Leisler's Adherents by Massachusetts.—His Attainder reversed by Parliament.—Agents sent to England by New York to represent her Weakness and ask Relief.—Their Propositions and Success.—Fletcher's Attempts to assume the Command of Connecticut Militia.—Winthrop sent from Connecticut to England to solicit Security of chartered Rights, in Reference to Fletcher's Purpose.

MEANWHILE the province of New York had a fine opportunity, during the long misrule of Leisler, of deciding an important point to a turbulent people, whether despotism or anarchy is the least evil. Exposed to foreign invasion from Canada, and torn by intestine warfare, between Leisler and his opponents, the provincials long wished for the arrival of their expected governor, which they anxiously hoped would relieve them from the miseries of an usurpation that had degraded the colony, since accident had invested ignorance with power. Their new sovereign sent Sloughter to govern New York, when he resolved that it should again enjoy the honors of separate jurisdiction. But, owing to the distresses of the English ma-

rine at the revolution, that officer did not assume his charge till March, 1691. Leisler and his partisans alone mourned his presence, because it deprived them of power, of which they were fond in proportion as they were undeserving of it. Having published his commission with the accustomed solemnities, the governor demanded possession of the fort, which commanded the capital; which that infatuated enthusiast forcibly retained, since he and his friends, deemed unworthy of trust, had been overlooked in the distribution of office. The vigor of Slaughter compelled him to submit at discretion, though too many lives were lost in the contest, as his soldiers deserted him in the hour of danger, when they saw the citizens drew their swords against their persecutor. And a special judicatory having found them guilty of high treason, he and Milbourne, his principal adviser, were executed by the request of both houses of assembly, who regarded their recent misdeeds as an usurpation of royal authority.

This tragical event gave rise to two parties, which long distracted public proceedings and invaded private repose. While William, by the advice of the ablest lawyers, approved the validity of the sentence, he granted pardon to the survivors and restored the estates of the deceased, because he deemed former services worthy of small attentions. He not long after consented to an application to Parliament, by the younger Leisler, for a reversal of the attainder, which had deprived his father of life. The son was powerfully assisted by the agents of Massachusetts, who were instructed to promote a measure, which, in its consequences would vindicate her late proceedings from the imputation cast on them by the conviction of Leisler. When the supreme legislature, on false suggestions, reversed the judgment of a colonial court of justice, it

was made the instrument to throw obloquy on one province, in order to gratify the revenge of another. By one faction, this act of Parliament was supposed "to legitimate Leisler's assuming the government and to put a censure on the legality of his execution;" by the other it was said "to be a libel surreptitiously obtained, which deserved therefore no obedience." While the supreme legislature passed a law, which seemed to assert the extent of its power; which, during modern times, had disseminated universal dissension, its real authority was weakened, because a jurisdiction, improperly exercised, was in the end despised by both parties.

Sloughter called the first assembly in April, 1691. While they expressed their gratitude to William for restoring the true mode of English government, by allowing the representatives of the people a vote in the making of laws, they showed, by their conduct, how much they were worthy of trust. They formally declared "the rights of the inhabitants of this province;" asserting, "that no tax can be levied on them without the consent of their delegates." But that monarch dissented to a law, which, he was advised, ought not to have been enacted by a subordinate legislature. In declaring their abhorrence of the late usurpers, they avowed their inclination to maintain the king's authority against all his enemies. They granted such a revenue as an inconsiderable province could pay, not only for the defence of its frontier against the incursions of Canada, but for the support of the internal administration, of which they were enamored in proportion as they abhorred their late connection with New England. And they endeavored to close the wounds that the late insurrections had opened, by conferring general pardon on men whose active mischief,

during recent disorders, was supposed by them to merit the greatest of punishments. Slougher, however, endeavored to derive that effectual security from the enmity of the five confederated tribes against the French, which he would have hardly received from their kindness, but for the considerable presents that he had brought with him from England. He was suddenly called away before he could perceive the consequences, either salutary or baneful, of measures of peacefulness and hostility. And his death transferred the government to the counsellors, who seem to have been unambitious of power; who, when they heard of the projected invasion of the Canadians, demanded the aid of neighboring colonies, which was refused in the moment of danger, because they equally expected attempts on themselves. In this extremity of apprehension and of weakness, which showed them how easily excuses are framed by disinclination, the council looked to England for assistance. Having stated their insupportable pressures, since their miserable union with Boston, because it had perverted the principles of the people, they begged for warlike stores and other aid, in such language of importunity, as demonstrated at once the inabilities and the wants of the province.

Informed by these representations, England freely gave to New York that assistance, which her colonial neighbors had absolutely denied. Governor Fletcher brought with him warlike stores, presents for her Indian allies, and two additional companies of soldiers, which were placed on the national establishment. And the provincials were not then ungrateful. While the assembly transmitted thanks to William for those seasonable favors, they endeavored to attract his commiseration, by representing, that they were left alone, to

struggle against a too potent enemy, by other colonists, who showed little inclination to grant what was no less due to justice than to policy; and they requested special directions to other assemblies, who were equally interested in the contest, to assist a province which must otherwise sink under its load. They, at the same time, showed that they were worthy of attention. They continued to grant supplies, not indeed in proportion to what the conjuncture required, but to their abilities to give. They displayed unusual energy of conduct in defending their frontier, when left to their own exertions. And they sometimes made the Canadians feel, even in their own country, those severities, which by them had been too often inflicted on others.

A consideration of the distresses of New York, which was regarded as a barrier between the southern settlements and Canada, induced England to adopt a new mode of assistance, by requisition. For the first time, Mary transmitted, in October, 1692, a mandatory letter to every province, Carolina excepted; signifying the royal will, that each should furnish a quota of money and of men to New York; since it was but equitable, that they, who partook of the benefit, should support part of the burden. But the prudent orders of the queen came too late to prevent the severest disaster that had ever befallen the Indian allies of England. In order at once to chastise the obstinacy of the Five Nations and to excite their contempt of the English, by exhibiting a sad picture of their impotence, Count Frontenac sent a strong party of Canadian hunters to surprise that gallant people during the severity of winter. A singular display of perseverance and ability enabled them to execute his purpose but too successfully. They surprised the Mohawk villages which lay nearest to Albany, and carried off three hundred of

their bravest warriors in chains. The alertness of Schuyler, who commanded the militia on the frontiers, did not permit the Canadians to return unmolested to boast of their success and sufferings; by repeated acts of bravery and conduct, he recovered almost the whole of his Indian allies. And the singular activity of Fletcher, in hastening to the relief of his friends, induced them to call him forever after "the great swift arrow." Pleased with his attention and his diligence, the assembly gave him their thanks, and enabled him for one year to maintain three hundred volunteers, for the security of a frontier, which recent experience had shown could be surprised during the extremity of winter. Amid this disastrous season, the colonies on either side enjoyed every advantage of profound tranquillity, without pitying the miseries of others, or regarding the royal requisition, which should never have been made, since it could not be enforced.

The representations of Fletcher made a deep impression on the mind of William, because they showed him the imbecility of New York, the distraction of the provinces, and the superiority of the French, owing to their unanimity and vigor. He empowered that active officer to command the militia of Connecticut, that their services might be useful on the day of attack; never reflecting, because he was misadvised by his law-officers, that the charter of the colony had invested all power in the corporation. He sent two additional companies of soldiers, which, like the former, were placed on the establishment of the English army. He transmitted abundant supplies of artillery and ammunition, "notwithstanding the low state of his magazines." And the majority of the provinces, having either refused or declined to comply with the queen's

mandatory letter, because the nature of their forms led to disunion, the quota of each was now appointed, and each was required to send it to New York, when future danger should demand necessary aid.

Yet those salutary measures did not extricate New York from her embarrassments, because though well intended, they were unequal to the object. While the Canadians, animated by one common passion, were directed by an able commander to one common end, it was beyond human skill or power to defend an extensive frontier against an enemy, who derived innumerable advantages from morasses and forests, so embarrassing to disciplined troops, who expect the comfort of quarters in the night and the regularity of march or of onset in the morning. A war of murder and of ambuscade, of sudden incursion and alert retreat, administered during several years every circumstance of misery, unattended with any of the alleviations of enjoyment or of hope. During those scenes of uninteresting hostility, the five confederated tribes, who formed an impenetrable fence around the northern colonies, acted as the principals rather than the allies, as the defenders rather than the tributaries of the English, who could neither afford the protection due to subjects nor furnish the assistance that associates may claim.

While New York thus struggled without effectual aid against the difficulties of the war, her counsels were distracted, and her repose was disturbed by two potent parties, which had grown out of the insurrections of the revolution. A general pardon had been granted without fees, under the great seal of England, because the public quiet was wisely preferred to the clamors of faction. And the laudable endeavors of Fletcher seemed to have restored that unanimity and

temper, which wise nations above all things prize, when he perceived, with regret, that heats had only been allayed, but not extinguished. He was astonished, when he found "that Sir William Phips was the incendiary who fanned the dying embers of former discontents." He demanded explanation of a conduct, so unworthy of a royal governor, to no purpose, while the chief ruler only executed what the people of Massachusetts highly approved. They protected the adherents of Leisler, because they had acted the same seditious part at the revolution; remarking, what shows the depth of their policy, "if what Leisler did be ill, how came the king and queen to sit upon the throne?" And they intrigued at New York, and procured an act of Parliament to reverse his attainder, because it disturbed the authority of those whom they regarded as his executioners.*

While New York mourned the success of the intrigues of a neighbor who deprived her of real strength, by assuming the government of islands which had long, by their taxes, supported her power, she sent agents to England, in 1695, to represent her weakness and to ask

* Never was there a transaction so finely calculated to exercise the recriminations of party as the story of Leisler, since the whole turned on a circumstance, trivial in appearance, though important in reality. He had not been accused of inciting an ignorant populace to acts of violence, of proclaiming the Prince of Orange without orders from England, of assuming the government without authority, which were all actions irregular and illegal; but Leisler was indicted of treason, "*for holding by force the king's fort against the king's governor, after the publication of his commission, and he had become thereby chief magistrate, and after demand had been made in the king's name, and in the reducing of which lives had been lost.*" The preamble of the act of Parliament, [VI to VII William III. ch. 30. private,] that reversed his attainder, is one continued falsehood; though the committee, to whom the bill was committed, had before them the record of the conviction, with explanatory papers. That every fact, which in the law of England constituted the crime, should have been suppressed, ought not to surprise, when it is considered, that Sir Henry Ashurst, one of the agents of Massachusetts, sat as chairman of the committee and directed their proceedings. What was to have been expected from a furious party-man, who acted as the partisan of a people, whose bribes during every reign evince, that they only regarded the end but never the means?

for effectual relief. They proposed, as the only means that could save their province and secure the attachment of her faithful Indian allies, to dispossess the French of Canada, to erect fortifications on Lake Ontario, to strengthen the frontiers with a thousand regular troops. In their zeal for their native territory, they seemed not to reflect, that England, debilitated by making exertions beyond her strength, was little able to engage in fresh projects, when recent experience had shown how little the colonies interested themselves in a contest that had their rights, as well as her own, for its object. Yet of her parental munificence she gave them additional proofs. She conferred more liberal presents on the friendly tribes, she sent military stores and an experienced engineer to enable the colonists to defend themselves; and she renewed her former requisition of quotas with still less success, because the assembly, which had granted a little, learned from observation, that delinquency had never been followed with punishment, or even with censure.

During a state of weakness and inquietude, which resulted no less from the natural situation of New York than from the impression of an enterprising enemy, Fletcher attempted to assume the command of the military force of Connecticut; in order to derive, from this circumstance, that assistance which his sovereign had without reason expected. In vain he endeavored to convince the general court, that his commission had invested him with the same authority over their militia, which they had long enjoyed under their charter. In their want of formal notice, they found an excuse for their want of comprehension. And, that they might gain all the advantages of delay, they made a general offer of a contribution against the common enemy, as they foresaw that it was of a nature to repel accept-

ance. Without success he tried to conciliate an irascible people by proposing to continue former military officers in the same station, while he demanded submission to his power, which he insisted belonged to the present king, since it had been once conferred on the crown by act of Parliament. The recent dulness of the general court was by this reasoning illuminated into perfect intuition. They gloried in admitting the right to be inherent in the crown; but they remarked, with a shrewdness which hit the statesmen who had advised the present commission, "that it had been granted by a former king to the colony, and had been properly exercised by the governor during prior reigns." And they adjourned, to give Fletcher time to consider an argument, which the crown lawyers afterwards found to have been so decisive as to admit of no confutation. Fletcher retired hastily to New York, as he saw approaching commotion and dreaded personal insult.

Connecticut at the same time despatched Winthrop to England, "to solicit security of chartered rights." Having heard all that lawyers could say, the attorney-general Trevor now discovered, "that the charter had given the ordinary power of the militia to the governor of the colony, but that the king might appoint a commander-in-chief over all the plantations, who on extraordinary occasions might call out and direct their quotas." That monarch approved of an opinion, wherein he perceived an excuse for his late conduct as well as a justification for his intended policy. While he recalled the obnoxious commission, he directed that one hundred and twenty men should be the proportion of Connecticut, which her agent promised should be always ready. Having thus gained her object, it was easy to find reasons for denying com-

pliance with what she thought improperly asked, as chicanery is never at a loss for argument. It was perceived only by the few, that, in every imprudence, there is a diminution of dignity, because men seldom venerate the power which is exerted without consideration.

CHAPTER XIII.

PENNSYLVANIA.—The King's unsuccessful Attempt to assume the Government.—Jurisdiction given to Fletcher.—His Contests with the Assembly.—Compromise.—The new Act of Settlement.—Prosperity.—Policy as to Trade.

URGED by his inclination to resume proprietary governments, which he was advised were inconsistent with the just authority of England, William discovered a pretence, when he heard of the contests of Pennsylvania and perceived the intrigues of Penn in favor of the late king. The lords of the committee for colonies having determined on the policy of the measure, which the crown lawyers had asserted was legal, that monarch, in October, 1692, invested Fletcher with the same jurisdiction over this province as he already executed over New York; never reflecting, that without trial an individual had been deprived of his rights and a people of their privileges. Penn was not, however, of a temper to resign his patent without resistance. And he warned Fletcher of the danger of executing an unconstitutional commission, while he instructed his friends in Pennsylvania how to render it fruitless.

Of this province Fletcher assumed peaceably the administration, in April, 1693, since the Quakers generally obstruct by intrigue what the Independents always oppose by force. Instructed to copy the customs of New York, he disregarded, in the appointment of officers and the convening of assemblies, the ancient constitution, which had engaged the affections of the

governed, notwithstanding the remonstrances of individuals, who perceived in recent change the loss of their consequence. When the delegates assembled, they practised the lessons of opposition, which the proprietary had taught them. Though they admitted Fletcher to be their lawful governor, under a saving of the rights of the people, the session passed away in continued contest, because the scene in which all acted was new. Owing to a kind of compromise, he at length passed a long list of laws, that the growing greatness of the provincials required. They granted, in return, a small supply for the support of a government, which they regarded with some reason as an usurpation, because they were threatened with what they dreaded the most, an annexation to New York. In the height of his chagrin, as he retired from late altercation, he informed the ministers of England, "that his commission over Pennsylvania was merely a trouble, without answering any of the purposes of union or energy, since the Quakers, who, contrary to his inclination, had been admitted into the legislature, little regarded the queen's mandatory letter, and would rather die than use carnal weapons."

As it was now apparent that the policy had failed, to which had been sacrificed the Pennsylvanian charter, the wonted address of the proprietary with the greater ease obtained its restoration. The attorney and solicitor general, Ward and Trevor, now discovered what was before apparent to the world, that a patent, which remained yet uncanceled, had conferred on Penn every power of government, subject only to the prescribed superintendence of the crown. Relying on promises of obedience to the royal requisitions, which the proprietor knew he could not perform, perhaps ashamed that they had deprived an Englishman of his rights

contrary to law, the Council for Colonies advised the restitution of what should never have been taken away, because the expected good was unequal to the certain mischief of bad example.

Meanwhile session after session had passed away in fruitless altercation, as the governor acted under the influence of self-importance and the delegates were inspired by well-grounded jealousy. A common interest reconciled both parties, in 1696. The one resolved to grant money, if the other would "settle the people in their former constitution." Since an expedient is easily found when litigants are disposed to agree, one bill for granting three hundred pounds, partly for support of the government, partly for the relief of the Indians, another for establishing a new system, were at the same time passed, that no advantage might be taken by either party. The new "act of settlement" deserves not to be now recited, because it did not long continue in force. The assembly of the subsequent year confirmed the transactions of the present, as their validity had been doubted in the province with sufficient cause. But the delegates refused either to fulfil the promises of the proprietor or to comply with the royal requisition of aid for New York; pleading "the infancy, the poverty, and the encumbered state of the colony." Never had any country enjoyed, however, so much prosperity as Pennsylvania, notwithstanding changes and contests, which little affected general industry, since the original spirit of diligence was invigorated rather than repressed by them. Her government gave equal protection to the fugitive, the smuggler, and the pirate, who seem to have all augmented her wealth without injuring her morals. And, disregarding the acts of navigation, as it was easy to impeach the rectitude of a policy, which was found

to be inconvenient, the Pennsylvanian traders discovered profitable markets in every port. Of these illicit practices the ministers of England were told by the governors of Maryland and Virginia; who suggested remedies with the same zeal, as if a check, given to the irregularities of one colony, could promote the commercial ardor of another.

CHAPTER XIV.

MARYLAND.—Lord Baltimore deprived of his Authority.—Copley appointed first Royal Governor.—Acts of the Assembly.—Attempt to establish the Church of England to the Exclusion of every other Church.—Interruptions of Foreign Traffic.—Encouragement of Domestic Manufacture.—Charge of direct Trade to Scotland and Ireland.—Efforts of the Assembly favorable to public Prosperity.—Not charged with Piracies.

THE counsellors of William rejoiced when they heard of the insurrections in the province of Maryland, which gave them a pretence for adopted measures. And he resolved, in October, 1690, to send thither a chief ruler of royal appointment, though the charter continued in force. Every obstacle to the execution of his will, arising from the rights of a nobleman or from the principles of law, was removed by the renowned chief justice of England, Sir John Holt; who advised, "*that, though no forfeiture was found, yet, being in a case of necessity, the king may appoint a governor by his sole commission, whose authority will be legal.*" Perceiving equal danger from the temper of the prince and the resolution of his ministers, Lord Baltimore formally offered "to place the government in protestant hands;" though he refused with a becoming spirit to surrender his ancient authority, which he had never forfeited or even abused. And a commission was not long after issued, appointing a new governor and establishing a new administration, to which the ministers thought it prudent, because they still feared for their own safety, to procure the explicit approbation of the chief justice and the

attorney-general, by countersigning the patent. Doubtful, nevertheless, of the legality of the warrant, the commissioners of the privy seal refused to perform their duty, till they were peremptorily ordered by the Privy Council to discharge a trust that they showed, by their delicacy, they executed with fidelity to the king and subject. Yet, at the same time that the proprietary was thus bereaved of the powers of jurisdiction by violence, his private estate was not directly invaded, though it was considerably injured. Still fearful of having offended the laws, which it was the duty of all to respect, the ministers ordered a writ of *quo warranto* to be afterwards issued against the charter, in order to procure that verdict of a jury, which ought alone to have deprived an English subject of his rights. It was nevertheless found difficult, if not impossible, to prove the facts, which had hitherto been only supposed. Treby, who had seen the expulsion of Sawyer by the Commons for carrying on similar prosecutions in the prior reign, refused to proceed, without a written order of the Privy Council. And no judgment was therefore obtained, though Lord Baltimore was outlawed by mistake. The best friends of the revolution regretted the consummation of recent transactions, when they beheld William and his advisers sacrificing to their lust of power the late declaration of rights, by copying literally the example of the banished king, since their policy was right but their means were wrong.

Having been appointed the first royal governor of Maryland, because he had secured Hull for the Prince of Orange, Copley received his charge, in 1692, from the committee of safety. The men, who had been most active in promoting the late change, were naturally intrusted with power, though they were not the most worthy. But the provincial system underwent

little other alteration than that the king's name was substituted in formal proceedings for that of the proprietor. The only contest, between the new ruler and the delegates, seems to have been, whether the one should be the most rapacious or the other the most liberal. In their zeal for the revolution, they not only established a standing revenue for the support of a government, which their violence had procured and their judgment approved, but they made a tender to their sovereign of a considerable tax on the tonnage of such vessels as did not belong to the province, that had been received since the Restoration by Lord Baltimore as his private property. The rejecting, whilst he was poor, an annual income, which was pressed on his acceptance by those who seemed to have a right to give, because he was told that it belonged to an individual, does William more honor than the greatest of his victories. In their hatred of popery, the assembly attempted to erect, with an illiberal hand, the Church of England in the room of every other Christian church. Yet inserting in their act, "that the great charter of England should be observed in all points," it was rejected by the Privy Council; the solicitor-general, Trevor, gravely insisting, "that he knew not how far the enacting thereof will be agreeable to the constitution of this colony or consistent with the royal prerogative." Incited by Copley, the assembly transmitted their humble thanks to that monarch "for redeeming them from a tyrannous popish government; for sending them a protestant governor, with a valuable supply of warlike stores." Trial ere long convinced the Marylanders of a truth which other communities had already learned from experience, that they had sacrificed, in their contests for preëminence, real fruition to the ardor of change, and now only grasped a shadow in the place where they hoped to have found enjoyment.

Placed at an envied distance from Canada, this province felt little other inconvenience from the war than the diminution of the value of her only staple, which was no longer demanded with former solicitude. In order to balance the interruptions of foreign traffic, she offered rewards to domestic manufacture and promoted illicit commerce. Alarmed by these measures, the English merchants, who were said to have discouraged the planters in their avidity for gain, complained to the ministers of William, "that a direct trade was carried on to Scotland and to Ireland, which was no less injurious to them than to the national revenue." Well-founded clamor procured positive orders to the governor, "to hire a small vessel to cruise against unlawful traders." The assembly, however, where concord seemed to preside, as Nicholson, who now executed the powers of Copley, attended to the prejudices of the people, endeavored by wise regulations to insure public prosperity, by giving encouragement to learning and to the natives of the province. They granted a small sum of money to the distresses of New York, in lieu of their appointed quota of men. But to their sovereign they transmitted an address, thanking him for former favors, yet requesting an exemption, on account of their indigence, from further contributions, which, in their application, brought no benefit to them. Though requests were not literally conceded that were not supposed to be perfectly just, they had the satisfaction to be told by the lords of the committee of colonies, "that, while the plantations had disgraced the English name by their piracies, no imputation had been cast on the conduct of Maryland."

CHAPTER XV.

VIRGINIA.—Ludwell's Complaints against Lord Effingham.—Administration of Lieutenant-Governor Nicholson.—Measures of Defence.—Commercial Interests affected.—Manufactures encouraged.—College endowed by the King.—Administration of Andros.—Assistance granted to New York.—Indian Tribes overawed.

ANIMATED by the contests of the times, this province was far from happy under Lord Effingham's administration, during the last years of James the Second. The new king was scarcely enthroned, when Ludwell complained, in the name of the burgesses, against that nobleman, for various oppressions ; which, arising rather from questions of disputed jurisdiction than from any depravity of heart, were, with the usual policy of courts, compromised rather than decided. Dissatisfied with a determination which continued their obnoxious governor, the agent, whose activity was quickened by a sense of personal injury, made a similar complaint to the Commons of England, "on behalf of the commons of Virginia ;" who thus admitted their superiority when they hoped to profit from it. But, though a committee was appointed to hear their grievances, no redress was given, because Treby and Somers probably gave the same opinions to the House against the pretensions of the delegates as they had officially given to the prince.

Nicholson, who had been driven from New York by Leisler, was sent to rule Virginia as lieutenant-governor, since Lord Effingham showed no inclination to revisit a people, who had thus endeavored, though without

success, to prevent his return. Having by conciliatory arts restored a tranquillity, that had been somewhat disturbed by the late change, Nicholson attempted, with his usual ardor, to put the province in a posture of defence; which, however, could only be completely protected by ships, since it is every where intersected by navigable rivers. Though the Virginians saw not an enemy during the war, their commercial interests were affected in proportion to the greatness of the embarrassments of England. The assembly passed various laws "for the advancement of the manufactures of the country," because the people received scanty supplies from abroad. And, while that zealous officer apologized for measures, which he knew would give offence to a nation jealous of the industry of others, the assembly congratulated William on his accession, thanked him for his seasonable present of warlike stores, and begged for further favors. To their prayers that monarch, not long after, granted a liberal endowment of a college, because he was told by ministers, who have acquired the praise which the learned never fail to bestow on the patrons of learning, that, in proportion as his American subjects were informed, they would be less influenced by improper motives and more obedient to just commands. Yet men, who had derived caution from age, because they remembered the singular objections of Governor Berkeley, twenty years before, to a similar measure, expressed their hopes, "that the planters never would make use of the generous encouragement which had been thus afforded by the mother country, for disputing the dependence they owe her."

When Lord Effingham declined to return, though the principal inhabitants, instructed by Nicholson, had solicited, not indeed for his presence, but for the

residence of every officer, Andros was sent them, notwithstanding the recent clamors of New England, because his high political character suited the temper of the king. He was kindly received by colonists, whose solicitations for further supplies for the uses of war had been successfully promoted by him. But his orders "to hire vessels to cruise against illegal traders" gave offence to the planters who disregarded the acts of navigation, while they were enfeebled rather than assaulted by the war. The assembly granted five hundred pounds, as an assistance to New York, to the importunities of the governor rather than to the requisition of their sovereign or to their own conviction of its propriety. To William they represented their utter incapacity of granting further aid to that colony; they begged, what indeed he unwillingly allowed, to be exempted from further contributions of that nature, since they saw not the good that was to result to them from the exertions of others, as they were yet poor and defended their own frontiers at a considerable expense. While four companies of rangers, who were wisely supported by the assembly, overawed the surrounding tribes, while their rivers were guarded by English frigates, the Virginians enjoyed great tranquillity during the long administration of Andros; because, destitute of ardor and free from contest, they felt little other inconvenience than the mortification of their vanity, by the insignificance of their situation and the interruption of their traffic from the commercial distresses of the war.

CHAPTER XVI.

CAROLINA. — Government not assumed by the King. — NORTH CAROLINA. — Ludwell's Government. — SOUTH CAROLINA. — Colleton proclaims Martial Law. — Sothell's Assumption of the Government. — Acts against Colleton and the Proprietary. — Sothell recalled. — Ludwell's Administration in South Carolina. — Quitrents. — Administration of Smith. — Of Archdale.

THOUGH the charter of the province of Carolina had been thought worthy of the attention of Parliament at the revolution, though similar distractions here prevailed as in Maryland, the government was not in a similar manner assumed by William, because it was exercised by English nobles, who, at the same time that they enjoyed the hereditary right of complaining in person of their wrongs, could interest a powerful body in their favor.

NORTH CAROLINA enjoyed unusual quiet for some time after the expulsion of Sothell, because continued anarchy often prompts a desire of fixed repose. In their abhorrence of his crimes, the proprietors sent Ludwell, the late agent of Virginia, to rule them, in 1690, from whose experience they hoped for obedience to their own commands as well as the prosperity of the governed. But the validity of his commission was disputed, because their authority had been degraded by the long continuance of tumult. Yet, attentive to their prejudices, Ludwell had the address to preserve them in peace, till they a few years after began to forget that they had once been fatigued with the turmoil of contest.

SOUTH CAROLINA seemed to court the distraction, which her neighbor on the north had just relinquished as dangerous or inconvenient. On pretence of a Spanish invasion, but with the real design of overawing those whom he could not govern, Colleton proclaimed martial law, without considering, that he put arms into the hands of men, who, having long detested his measures, only wished for an opportunity to condemn his power. Amid the ferments of a people, whose natural turbulence was heightened by sense of grievance, Sothell, expelled from North Carolina, suddenly appeared at Charleston, in 1690. Contrary to the protests of those who had been intrusted with power, he assumed the government, which he claimed with some reason as a proprietor, under a clause of the fundamental constitutions. Honored with the applause of the multitude, whose aid chiefly raised him to preëminence, he called an assembly in order to please the men who had thus contributed to his elevation. That body soon convinced the world how much they were animated by the passions of their constituents and the fury of Sothell. Against Colleton they passed "an act of incapacitation and banishment." They punished the proprietary deputies by fine and imprisonment. And they published a variety of other acts, all conceived in a similar spirit of violence. But the proprietors dissented to bills, which appeared to them no less degrading to their just jurisdiction than injurious to the provincial quiet. And they sent a recall to Sothell, that he might answer in England for proceedings, which they regarded as treasonable, because, in the usurpation of their own power, they thought they saw an attack on the royal authority.

While they pitied the miseries of the province, ruined

more by her own turbulence than by the misconduct of others, the proprietaries extended thither, in 1691, the commission of Ludwell; framing his instructions according to their charter, since the fundamental constitutions were at length by all disregarded. And a general pardon, with a few exceptions, gave security to offenders, who were too numerous as well as too powerful to admit of punishment. Ludwell found two factions, which disturbed the public repose by their contests for superiority. The one anxiously expected freedom from late disquiets in a royal government; the other pointed to their late sufferings as an evidence of present attachments. In his attempts to gain both, with the common fate of double dealers, he pleased neither. The former causes of dissension, no less than fresh disputes with regard to quitrents, which remained unpaid, as, amidst continued distraction, the planters had forgotten to whom they were due, continued to promote disobedience and to incite discontent.

The departure of Ludwell only evinced, what indeed the experience of Carolina might have taught, that it is in vain to remove governors while the habits of a people remain unchanged. Smith, a respectable native of the colony, remarkable for his intelligence and integrity, succeeded to Ludwell as much by the choice of the counsellors as by the appointment of the proprietaries. Though informed by instructions similar to those of other provinces, since, to please the Carolinians, the sacred constitutions had been wholly laid aside, grievances seem to have accumulated, because the colonists discovered defects in the tenure of lands, when they were at length unwilling or unable to pay their arrears of rent. As he could neither govern nor gratify men, whose complaints begat additional complaints, the governor informed the proprietors, in 1694, "that it seemed

to him impossible to settle the country, unless a proper person were sent to redress the grievances of the people."

Convinced by the admonitions of Smith, the proprietaries sent Archdale, a prudent Quaker, in 1694, to hear the tale of Carolinian woes, invigorated by extraordinary powers, because the emergency was great. He was received with acclamations, as it was known that he had much to give, and the humility of his manner offended no man's pride. Having reconciled factions to each other by his moderation, he called an assembly in 1695, in order to obtain the sanction of law to the concessions he had made. While the governor granted abatement of former quitrents, and presents of unlocated territory to the members, he procured the concurrence of the legislature by the same means which had subdued all popular conventions. They enacted laws for the redress of recent and the prevention of future grievances; and they thanked the proprietors for a liberality to them which they had seldom shown to each other. From the meekness of Archdale, even the surrounding tribes received a satisfactory justice, which, since the unwelcome arrival of the newcomers, they had never experienced before. And he had the gratification, because he pleased equally his employers and the people, of delivering up the Carolinas to his successor, at the end of two years, in an unusual state of repose. The ministers of England were meanwhile informed, that these provinces formed a common receptacle for the fugitive and the smuggler, and an asylum for the pirate, while they promoted a gainful traffic by sacrificing the acts of navigation to their interest. And the proprietaries were warned, in a tone which evinced what impressions those irregularities had made, "to beware how similar accusations were lodged in future."

CHAPTER XVII.

THE COLONIES.—Commercial Weakness of Great Britain.—Colonial Trade in Foreign Ships, and directly with Foreign Nations.—Value of the Colonial Trade with Great Britain.—Complaints of Liverpool and Bristol Merchants.—The Board of Trade established.—Causes of the Weakness of the Colonies.—Attention of the Ministry to them.—Colonial Captain-General recommended.—Penn's Scheme of Colonial Policy.—Deliberations and Acts of Parliament.—Representations and Recommendations by the House of Lords.—Proprietaries will not give Securities for Obedience.—Colonial Courts of Vice-Admiralty established.—Inefficiency.—Effects of the Treaty of Ryswick.—William the Third's Inattention to the Colonists.—Exposure and Sufferings of New York and Massachusetts from the Enemy.—Indians overlooked in the Treaty.—They are threatened by Frontenac.—Success of the Canadians with them. The Rivers Kennebec, St. George, and St. Croix, as Boundaries.—Acadia.—The English are forbidden to traffic or Fish on the Coast there.—Complaints to the King.—Privateers converted into Pirates.—Measures for suppressing them.—Statute passed.—The real Policy of England in passing it.

WHILE the war of the revolution finally established the freedom of England, it meantime destroyed her commerce.* Domestic industry was ruined by exertions beyond her strength. Foreign traffic could not prosper while it was obstructed by embargoes to man the navy, which too seldom protected the enterprises of the merchant from the activity of the privateer. And, amidst universal debility, the people ceased to furnish

* The following authentic detail of the English navigation and traffic will show more precisely than has been yet done how much the wars of William affected the national commerce.

	Ships cleared outwards.		Value of their cargoes.	
	Tons English.	Tons Foreign.	Total.	
In 1688,	190,533	95,267	285,800	£4,056,057.
1696,	91,764	63,024	174,768	2,729,320.

contributions either by their consumption or their taxes. During that period of commercial weakness, Davenant complained to the public, of what the state papers evince to have been well founded; "that, during this war, the colonies have presumed, as it were, to set up for themselves, and to load their effects on ships belonging to foreigners, and to trade directly with other nations, sending them their commodities and receiving from thence manufactures not of our growth, to the great damage of this kingdom." Owing partly to causes already mentioned, but more to what is here asserted, the value of the annual exports of England to her continental settlements, at the peace of Ryswick, amounted only to £140,132; of their imports to £279,854. Davenant, and the politicians of that day, insisted, that, since the amount of importation so much exceeded that of the export, the nation was annually enriched by a favorable balance of £139,722. In the judgment of the calculators of the present times, the colonial commerce must have then been disadvantageous to the state in proportion to the debt which was yearly incurred. The contradictory reasonings of wise men, on complicated subjects, ought to prompt diligence in ascertaining the authenticity of facts, and moderation in affirming what measures of policy should be the result.

Incited by their jealousy as much as by their interest, the merchants of Bristol and Liverpool had complained to the Commons, in 1695, without gaining redress, of the extensive commerce carried on from the plantations to Ireland and to Scotland, by which the connective tie was not only loosened, but the national revenue was damnified fifty thousand pounds a year. A bill was indeed ordered in, with design to give a remedy to every complaint. But parliamentary measures, that

are not supported by influence, seldom succeed. Resigned to the depredations of the enemy, the clamors of the traders roused the attention of Parliament, during the session of 1695-6. The ministers were accused, in the party language of the season, of sacrificing the traffic of England at the shrine of foreign interests, though their crime chiefly consisted of inexperience and cabal rather than of settled perfidy. And a motion was made to establish, by an act of the legislature, a council of commerce, which however was overruled; as the discovery of the assassination-plot turned the current of debate. Before men's terrors had subsided, before the subsequent session, William appointed commissioners, whose deliberations were directed to the superintendence of the colonies, to the promotion of the commercial advantage of England. Thus was established, in May, 1696, "the Board of Trade," after colonial affairs had remained from the dissolution of the ancient Virginian companies, in the reign of James the First, under the direction of committees of the Privy Council, though they underwent various modifications. Directed by the spirit of the preceding session, both Lords and Commons instantly demanded copies of their commission, that they might know their powers; and of their proceedings, that they might judge of their efficacy. The Board reported, "that they had employed much time in promoting domestic industry, in urging foreign enterprise; and much attention in corresponding with the governors of colonies; in perusing acts of assembly; in giving energy to the laws of navigation, which it had been found so difficult to enforce." For several years after, both Houses of Parliament demanded, what was regularly furnished by the Board, a general state of the national commerce, in order to discover whether it prospered or declined.

The disorders and the consequent weakness of the plantations, owing less to the pressures of a too potent enemy than to the impossibility of procuring the concurrence of twelve democratical conventions in any common measure, who, being all independent of each other, were actuated by dissimilar designs, had been so often represented to the ministers as at length to engage attention. That respectable commission, "having considered the whole matter with the utmost care," stated to the lords justices, in September, 1696, during the king's absence, "that in those settlements there was force enough to repel the neighboring French, but they are so disunited in interests that they have hitherto afforded little assistance to each other, and show a worse disposition to do it in future; nor can it be imagined that the English there should think it much to employ their own hands and purses in defence of their own estates, lives, and families, yet should expect to be wholly supported from England, which hath spent so much blood and treasure in the carrying on of so lasting a war; that, by reason of the various independent governments, they could not perceive how it is possible to preserve those provinces, unless his majesty shall appoint a captain-general of all his forces and of the militia of all the colonies, with power to levy and command them for their defence; that, considering it would be impossible for the planters to remain in that country if the neighboring Indians should once be gained over to the French, it will be very expedient to secure the tribes by every encouragement, giving them rewards for all execution done by them on the enemy, and the scalps they bring in to be well paid for." While the Board, with the concurrence of Mr. Locke, thus recommended the appointment of a dictator, because they deemed that to be necessary which the

crown lawyers had declared to be legal, the famous William Penn proposed a scheme of colonial polity, more consistent with his views, as well as more favorable to freedom, if not to independence. He recommended the establishment of a congress of twenty persons, to be chosen annually by the assemblies; of a president to be named by the king; who, in peace, should adjust differences between the provinces and promote the interests of commerce, in war, should consider of means to defend the whole against the common enemy. The project of the Board was not adopted, because the peace of Ryswick soon put an end to hostility. The congress of Penn was still less regarded, since an innovation, the effects of which could not be foreseen and prevented, was not favorably received either by the ministers, the peers, or the public, though it was recommended by the powerful persuasion of Davenant.

Inflamed by the continued clamor of merchants and urged by the representations of ministers, the Parliament deliberated on colonial affairs during the session of 1696. They enforced the various statutes of the reign of Charles the Second, because "great abuses were daily committed, to the loss of a considerable part of the plantation trade to this kingdom." An oath was imposed on governors, obliging them to execute those laws which had become the deserved favorites of a commercial nation, as "their neglects and contempts were remembered." The officers of "the revenue in the plantations" were invigorated, by giving them the same power in the colony as they had long enjoyed in the kingdom; since the opposition to collectors had been continually complained of. Incited by the common jealousy of foreigners, the Parliament declared, that all officers in the courts of law, or in "the

treasury" of the plantations, shall be filled by natural-born subjects. The by-laws of territorial legislatures, and the usages which the colonists had adopted in opposition to the statutes of England, were annulled, because it was deemed incongruous that a subordinate body should contradict or disobey the rules prescribed by its superior. The proprietors of provinces were restrained from selling their rights to foreign princes, that so plausible a title might give no cause of contest, though writers objected to the rule with the querulous temper of contemporary politicians, because they did not comprehend the wisdom of its policy. And the Parliament invested the king with the power of approbation over the governors of chartered colonies, since it was judged impolitic, that the supreme magistrate should enjoy no control over inferior officers, who were intrusted with the execution of the law, beyond the reach of observation. A statute,* which, by asserting the highest of human authority, contained so many important regulations, which gave rise to subsequent system and to future opposition, was brought in by Blathwaite, so famous during those days for his colonial knowledge, and passed by the Commons without division or debate.

The House of Lords separately inquired into the condition of the transatlantic settlements with an attention to the commercial benefit of England, which did them honor. To William they represented in March, 1696-7, "that, having considered the state of the trade of this kingdom to the plantations, they had found many abuses of the several good laws made for their government, and very illegal practices carried on, to the great detriment of the kingdom, whereby the act

* VII. and VIII. William III. ch. 7.

lately passed had been greatly obstructed." They recommended, therefore, "that the proprietaries should be obliged to give security in England that their governors shall constantly obey the royal instructions for the execution of the laws; that courts of admiralty should be erected in the various plantations, in order that offences against the acts of navigation might be no longer decided by judges and jurors, who were themselves often the greatest offenders." Directed in their inclinations by so high an authority, the Board of Trade transmitted copies of this signal address to the colonies, with the most positive directions to observe the laws of trade, under the penalty of the forfeiture of charters, which had been so greatly abused; without considering, however, that it is not only useless but impolitic to issue commands which may be disobeyed with impunity.

The proprietaries either refused or declined to give the security demanded of them, which they thought no law required. The resolution of the peers, they insisted, could not, however respectable, compel them to perform what they deemed in itself unreasonable, as their sovereign might now deny his approbation to their appointments. And they pleaded their charters in opposition to the royal nomination of admiralty officers. Having heard their counsel, the crown lawyers determined, that no colonial patent prevented the king from establishing an admiralty jurisdiction within every dominion of the crown. The Board of Trade added their decisive weight, since the commissioners of the customs had represented the necessity of the measure, "as a thing highly conducing to the execution of all penal laws for the good of the plantation trade." And courts of vice-admiralty were not long after erected in the several colonies, whose jurisdiction

was viewed with extreme jealousy; whose proceedings were opposed with an energy equal to the supposed encroachment on chartered privileges. Thus was the year 1697 the era of this memorable change in colonial jurisprudence, which superseded in some measure the trial by jury, that had been found to be inconvenient in proportion as it was favorable to popular rights. A natural greatness attends a certain class of men, the Shakspeares and Bacons, the Somers and Newtons, which raises into importance every circumstance respecting them. It may gratify a reasonable curiosity to be told, that Mr. Locke expressly advised his sovereign "to settle courts of admiralty under proper officers of his own appointment, in order to prevent illegal trade in those parts."

From the vigorous opposition which had been thus made to the erection of those judicatories, obnoxious because decisive, it might have been foreseen with what temper their judges would be admitted into the different settlements. Notwithstanding late instructions to governors, which the peers, in their zeal for the interests of commerce, had condescended to approve, "old complaints, of obstructions to the officers of the customs, of opposition to the courts of admiralty, continued; of connivance at illegal trade in some and encouragement by others." It was not distinctly perceived that the lamented irregularities were only the consequential result of long-existing causes; of the principles of the planters and the forms of their government. It was unwise to give directions to governors, who either wanted power to execute unpopular commands or made a merit of disobedience. Yet, urged by a consideration of "the mischievous tendency" of what it was so difficult to prevent, the Board of Trade afterwards renewed their orders

and endeavored to procure them submission, at least respect, by threats, unavailing, because unexecuted.

Meanwhile, the tedious war of the revolution drew towards a conclusion, since all parties were exhausted by the continuance of fruitless hostility. Having obtained, what was his chief object, the acknowledgment of his title to the crown, it was easy for William to procure at Ryswick, in September, 1697, a general declaration, that the territories which each party had possessed prior to the war shall be mutually restored. But, having pleased himself by gaining a petty point, that monarch no more recollected his incentive promises to the colonists, as he forgot to settle their undefined boundary, which had so much engaged the prudent attention of James; as he neglected to adjust the rights of fishery, that soon gave rise to dispute; as he resigned to the chastisement of Canada the confederacy of the five Indian nations, who enjoyed the honor of being the only allies of England, who had fought her battles without receiving her pay. The man predominated over the hero. When he became at last fatigued with inglorious contest, he became inattentive also to others, regardful only of his own repose amid the distractions of his people.

But a peace was become necessary, since nothing could be gained by the unavailing continuance of warfare. Exclusive of the enormous sum of thirty millions that England had actually raised, a national debt was also incurred, of twenty millions; and both ought to be regarded as the high price paid for the revolution and for the freedom of the colonies no less than of England. Far from giving aid to the parent state during a momentous struggle for the interests of both, the colonists, unable to defend themselves, were supplied with warlike stores and

troops for the defence of their frontiers; with ships for the protection of a feeble commerce, which, being turned from its ancient course, was diverted from her merchants to strangers.

Owing to their situation in the vicinage of Canada and Acadia, New York and Massachusetts had alone felt the stroke of an enemy. Their borders had been often ravaged by a cruel foe, who intended to vex and to terrify rather than to gain possession of what he could not retain. Yet, though those provinces were obliged to expend sums, considerable when compared with colonial expense, like England they incurred no debt of lasting incumbrance, while the other plantations enjoyed the gratification of quiet, without either pitying their distresses, or relieving, as they ought, their embarrassments.

Scarcely was the peace announced when its omissions were felt. Overlooked in the treaty, the Indian allies of England were left to continue alone their ten years' contest with Canada, which had already carried off one third of their warriors. The extensive country of those powerful tribes had been considered by English statesmen, though upon no acknowledged principle, as a territory of England; and they thence presumed, that, when European hostility ceased, American warfare must also end. The French did not admit suppositions to be just, which were so contrary to their immediate interest and their future projects. And Count Frontenac, who during several years had ably governed New France, threatened the Five Nations with immediate destruction, if they did not send deputies to make a separate treaty, since he affected to consider them as an independent people. In vain Lord Bellomont assured that officer that he would give his friends every aid, and even renew hostilities, if he

ceased not from his purpose. The Canadians ultimately gained their end, because, by informing the chiefs of those cantons, that the English claimed them as slaves, they derived every advantage from flattering their ruling passion. The French at the same time pushed the boundary of Acadia westward to the river Kennebec; claiming the country as theirs from ancient right as well as from the treaty of Breda, and prohibiting the New Englanders from the exercise of traffic or of fishery on its coasts. In order to evince the encroachments of France, English statesmen endeavored to carry the eastern limits of New England thirty leagues eastward from the Kennebec to the river St. Croix, which had been the ancient boundary of Nova Scotia. But the pretensions of neither could be supported by candid discussion. The peace of Breda, and subsequent occupancy, had established the real line of division at the river St. George, nearly in the middle between. While wise men regretted the impolicy of weakening real rights, by insisting too strenuously on pretended ones, they remarked how fruitless it was to look into the law of nations for principles strictly apposite to American disputes, which could only be settled by amicable conference and mutual concession. Perceiving her own ruin in the invasion of her borders and the loss of her fishing, Massachusetts applied to William for protection against the attempts of France on both, in such language of solicitude as showed her anxiety and her weakness. Thus the defective pacification of Ryswick entailed on England and her colonies future altercation and subsequent war, with the unpleasantness of the one and the woes of the other.

The privateers, which had been put in motion by the late enmity of nations, were easily converted during

the leisure of peace into pirates; who, with their undistinguishing spirit of rapine, spared neither friend nor foe, the Asiatic any more than the European. The first of those universal plunderers were said to have been sent from Boston, which had long taught the other settlements lessons of opposition to the laws, and now showed them a pattern of profligacy inconsistent with the moral sense. Intelligence, that the pirates were notoriously protected in the colonies, roused the attention of the Board of Trade. When they were told of "the resentment of princes and states, of the prejudice to traffic, of the scandal to the English name," they recommended to the several assemblies to pass an act similar to that of Jamaica, punishing the guilty with death. Of the local legislatures a few complied, some declined, and others denied obedience. Reiterated complaints procured orders to the governors to send the freebooters to England for trial and for punishment, but without success. As the wisest lawyers perceived "that a new law was wanting," the excellent statute* "for suppression of piracy" was passed during the year 1700; declaring what should constitute the crime; appointing, within the colonies, a simple but adequate jurisdiction for its trial, "notwithstanding any patents;" enforcing its authority by a declaration, that, if any governor refuse obedience to what had thus been enacted, the charter of his colony should be forfeited. The real policy of England may be seen in what the Board of Trade remarked to Lord Bellomont, in April, 1700, when they transmitted him a copy of this memorable act of the supreme legislature, which they directed him to publish, "that the Parliament, having in view the refractoriness of New England and other

* XI. and XII. William III. ch. 7.

plantations, had now passed an act, for the suppression of piracy, that extends to all ; by which those of New England may perceive that, where the public good does suffer by their obstinacy, the proper remedy will be found here." Happy had it been for England, perhaps for the colonies, had the intention suggested by the Board been at all times punctually formed into rules by the legislature! In order to execute what had been on those motives obtained, commissioners were soon appointed in the several settlements. And, from his vigorous exertions to suppress a crime which had disgraced his subjects in the eyes of foreign nations and obstructed general commerce, William gained more substantial renown than from his most splendid conduct in war.

CHAPTER XVIII.

NEW HAMPSHIRE. — Administration of Allen, the Proprietor. — Trade with Portugal. — Remarks on Lord Bellomont.

WHILE colonial principles thus produced their consequential effects, the inconsiderable province of New Hampshire regained tranquillity after the expulsion of lieutenant-governor Usher, as Partridge, his successor, allowed the council and assembly to rule in all things. It relapsed into former disorder as soon as Allen, the obnoxious proprietary of the soil, assumed the government. And, at the same time that he informed the Board of Trade of the bad state of the colony, he warned them, in November, 1698, "that, till a few of the principal Independents are sent for to answer in England, there will be no obedience yielded to the king or Parliament." Owing, however, to the enterprise of Partridge, who was himself a carpenter, the prosperity of New Hampshire was, for the first time, promoted by the traffic of timber to Portugal. The jealousy of England induced the Board of Trade to prohibit what seemed no less inconsistent with her naval power than contrary to the spirit of her commercial system. But interest quickened comprehension. The colonists easily learned, that every product of their labor, which had not been restrained by positive law, might be freely exported to foreign nations. Having found an opportunity for censuring "their carpenter-governor," because he had taught men lessons so inconsistent with his duty, Lord Bellomont

informed the Board of Trade, in November, 1700, "that they laughed at the orders of the Board against it, and so they would at those of the king, as they know very well that nothing but an act of Parliament can hinder them." The wise regretted, that, when the New-English were already too prone to oppose the laws of England, their real authority should have been weakened by attempting to enforce what they did not command. By flattering the propensities of the planters of New Hampshire, that nobleman obtained, during his short administration, acts of assembly and presents, which none of his predecessors, because more attentive to rigid instructions, could ever acquire. By allowing the Independents to govern themselves, peace was preserved, while he enjoyed, in return, their petty gratuities. But his superiors were not perfectly pleased, when they perceived, in this illiberal coalition, the sacrifice of the royal prerogative together with the authority of the nation.

CHAPTER XIX.

MASSACHUSETTS. — Lord Bellomont assumes the Government. — His measures are not acceded to. — Bold assertions to him by the Counsellors. — Denial of Appeals to the Judicatories of England.

MASSACHUSETTS did not, in the mean time, complain of the length of Lord Bellomont's absence in his other governments, because, while "the assembly managed their own affairs without control, they were very easy and saved the promised present." When, however, he at length assumed the administration, the same arts did not here obtain the same success, as he was opposed by politicians more experienced and persevering. Though his attention to individuals procured him larger presents from the delegates than had ever been given to any former governor, he could gain their approbation to few of his measures. They refused to pass various bills that the Board of Trade had transmitted for the suppression of the crimes of the smuggler and the pirate; as they were little governed by the reasonings which he urged to procure their assent, "that the laws of the province ought to be agreeable to the jurisprudence of England." He was told, in a firm tone, by the counsellors whom he pretended to direct, "that they were too much cramped in their liberties already, and they would be great fools to abridge, by a law of their own, the little that was left them." They declined to fortify Boston, far less to rebuild Pemaquid, the nearest fort to Acadia, or to procure warlike stores; pleading their poverty as an

excuse for want of inclination. It was with some difficulty that he could wrest from the counsellors the power of nominating officers, which the charter had reserved to the governor; which they had, however, usurped, during the administration of Phips and of Stoughton. He found it impossible to protect the Indians from "the barbarous usages," of which they daily complained, because the members of the legislature were the persons who had taken from them their lands. The merchants of Boston having complained to the assembly of 1700, of the decay of trade, even the counsellors expressed "their indignation at the acts of navigation;" insisting, with the genuine spirit of pristine times, "that they were as much Englishmen as those in England, and had a right therefore to all the privileges which the people of England enjoyed." In vain Lord Bellomont rebuked individuals for a declaration, which he thought unworthy of their station; which, however, only avowed what the people universally thought. Incited thus by temper, Massachusetts, as well as New Hampshire, denied appeals to the judicatories of the parent, since the admission of an appellate jurisdiction supposed inferiority and preserved dependence. The court of admiralty had to encounter here the fiercest opposition, because it was inconsistent with their ancient principles and their commercial purposes. It was owing to continued obstruction, no less than the reasonings which were used to justify it, that Atwood wrote the Board of Trade, in December, 1701, "that he feared the government of Boston had complained of him for publicly exposing one of their clergy, who maintained that they were not bound in conscience to obey the laws of England, having no representatives there of their choosing." In the height of his zeal, the judge

of an obnoxious tribunal did not perceive, because he was vehement, the impropriety of entering into controversy with a minister, who only spoke the invariable language of the New-English ecclesiastics, in pleading the dictates of conscience for their disobedience to the rules prescribed by the supreme power.*

* We may learn from the following extract of a letter, written by the well-informed Governor Nicholson, to the Board of Trade, in August, 1695, how much the notion had been then disseminated, "that acts of Parliament did not extend to the colonies *by their proper vigor*;" "I have observed that a great many people in all these provinces and plantations, especially in those under proprietaries, and the two others of Connecticut and Rhode Island, think that no law of England ought to be in force and binding to them without their own consent; for they foolishly say, that they have no representatives sent from themselves to the Parliament, and they look upon all laws made in England, that put any restraint upon them, to be great hardships." We here see the genuine cause of the universal refractoriness that prevailed in the colonies during the reign of William, and of the obstructions opposed to the execution of every act of Parliament.

CHAPTER XX.

RHODE ISLAND.—The Governor does not take the Oaths for executing the Acts of Navigation.—Complaints against the Colony to the Board of Trade.—Lord Bellomont commissioned to remedy the Evils.—Action thereupon, of Cranston and the Assembly.

RHODE ISLAND enjoyed, during the foregoing events, the benefits of peace without contributing to the expense of the war, and reaped the advantages of independence without feeling any of its burdens. Commissioners were appointed, without success, to administer the oaths for the execution of the acts of navigation to a governor, who, in his scruples to swear at all, found an excuse for his refusal. And encouragement was continually given to the fugitive, the smuggler, and the pirate, who enriched the colonists without affecting their morals. Repeated complaints "of their notorious practices" at length roused the attention of the Board of Trade, who represented to their sovereign, in December, 1698, "that, as no oaths were taken by the magistrates, little justice could be expected from judicatories, which denied appeals to England as inconsistent with their charter; that, while the governor had neither received the royal approbation, nor qualified himself by entering into those solemn engagements which the late act of Parliament required, he showed himself unworthy of his station by favoring pirates and illegal traffic; that, notwithstanding the limited powers of the corporation, they had not only granted commissions to privateers during the war, but now during peace op-

posed the court of admiralty as inconsistent with their views." Urged by considerations interesting to a commercial nation, that monarch granted to Lord Bellomont a commission of inquiry, "that a remedy for those evils might be speedily applied." When Cranston, their self-elected ruler, heard of that appointment, he represented to the assembly, in order to rouse them to opposition, "that the laws of England could be regarded as little better than bondage and slavery." Directed by this information and by this sentiment, the legislature passed, in April, 1700, "an act for enabling the governor to put in execution the statutes of trade;" supposing that by their own energy, acts of Parliament had here no authority. They at the same time promulgated "an act for putting in force the laws of England in all cases where no particular law of this colony hath provided a remedy." That nobleman endeavored with his usual zeal to execute a commission, which the colonists affected to consider "as a bountiful favor," while they threw every obstruction in the way of his inquiries. He at length represented, however, their various irregularities; showing, that clamor had not been raised against them without a cause; that, in their general conduct, they little regarded a charter which they had formerly surrendered. Suspecting probably that the report of the commissioner would be unfavorable to them, and foreseeing a storm which in its course might overturn their power, the governor and council attempted to weaken its force, by giving a turn to what could not be evaded; by promising amendment while in future they should submit to the king's commands with the obedience of children. Yet, judging from a course of action rather than from mere profession, the Board of Trade warned them of a reformation, which was probably intended, by telling them "to beware of such shuffling in future, lest it turn to the prejudice of the colony."

CHAPTER XXI.

CONNECTICUT. — Similarity of her Conduct to that of other Colonies.

FREED from the obnoxious commission which had been imprudently given to the governor of New York to command her militia, the tranquillity of the colony of Connecticut was now only disturbed by contests with Rhode Island on the east, and New York on the west, with regard to boundary. Having by her prudence obtained a favorable determination, she cultivated the arts of peace, without feeling the incumbrance of debts. Animated by her native principles, she encouraged illegal traffic and piracy, because they promoted her interest; and she refused obedience to the courts of admiralty and denied appeals to England, since she deemed both contrary to her charter. Of Connecticut similar complaints were instituted in England as had been urged against the neighboring settlements. When the governor and council perceived the cloud gathering which burst in harmless noise on Rhode Island, they prudently hastened to offer security for their observance of the acts of navigation, for their exclusion of pirates. But their sincerity was distrusted by the Board of Trade; who, in the independence of their future conduct, had continual cause to regret that charters had ever been given, which they saw daily abused without hope of remedy.

CHAPTER XXII.

NEW YORK.—Lord Bellomont's Administration.—Fletcher sent under Arrest to England.—Lord Bellomont's Success with the Representatives.—Six Years' Revenue.—Law respecting Privateers and Pirates.—Remarks on Bellomont.—Contests after his Death.—Nanfan's Administration.—Bayard tried and condemned for Treason.

LORD Bellomont's prejudices did not allow him to reconcile the two parties which had distracted the province of New York from the revolution till his arrival in 1698. As he seems to have brought with him more than usual animosity against his predecessor, he not only sent Fletcher under arrest to England, since he was with some reason suspected of a predilection for pirates, but, by suspending counsellors and changing officers, he almost overturned the government. He dissolved an assembly which did not suit his purpose, which when they proved refractory only fulfilled what might have been expected from his recent imprudence. And, having appointed proper sheriffs in the room of those who were attached to the late governor, they procured him suitable delegates. Composed of persons who warmly approved of the conduct of Leisler at the revolution, the representatives' proceedings were governed by their spirit. In return for laws which cast obloquy on their political enemies, by reversing their transactions, they discharged the debts of the government; they gave considerable presents to the chief ruler and his dependents; and they established the public revenue during a further term of six years. Having

thus procured what was the great object of his wishes, he easily obtained their consent to what was the principal motive of his appointment; they passed a law for the punishment of privateers and pirates, which in some measure freed the province from disgraceful imputations. And they established a variety of laws of political economy, which do more honor to their good purposes than to their talents as legislators, since their acts were afterwards exploded by the Board of Trade, "as contradictory and unintelligible." It is the characteristic of that nobleman's administration, that his zeal proved too strong for his judgment. While he suppressed the pernicious practices of the smuggler and the pirate, he enforced the acts of navigation with the petty vigilance of a preventive officer. The merchants imagined they saw the ruin of their commerce in their observance of minute regulations, which were deemed intolerable, because they were unusual. They complained to the Board of Trade, who, though they did not approve of Lord Bellomont's conduct in all things, could not censure his zealous execution of a system that had been too much relaxed by his profligate predecessor. And the traders applied to the Commons for that relief which they thought the ministers had improperly denied to their prayers. But death freed that nobleman from the mortification of recall and the danger of impeachment. What must have been the distractions of a province, of which the governor could inform the Board of Trade, "that he was afraid to assume the administration at Boston, lest the people should go together by the ears, so great was their inveteracy." Happy had it been for New York, had her rulers known that forbearance is the best remedy for such a disease.

In the absence of the lieutenant-governor, the con-

tests of the counsellors, whether the supreme direction belonged to the president or to the council, added fuel to a consuming flame. The arrival of Nansan, who inherited the passions and adopted the policy of Bellomont, his kinsman, rather promoted the ferment, which a little moderation had allayed. The acts of the assembly, which in contradiction to his orders he called, deserve not to be remembered, since they were rejected by the Board of Trade as unfit to be approved. The trial and condemnation of Bayard, a man in the first ranks of life, for treason, because, contrary to the words though not to the spirit of an imprudent act of Sloughter's assembly, he had promoted petitions to the king and Parliament for a redress of grievances, has stained the annals of the province, while it offers a standing memorial to other judges, how they disgrace the judicial charter by adopting the furious spirit of Atwood.

CHAPTER XXIII.

NEW JERSEY.—Irregular Government.—Prosperity retarded by New York.—Disputes with New York.—Opinions of Sir Creswell Levinz and Sir John Hawles as to taxing the People.—Ports of Entry and Custom-Houses.—Proprietors surrender their Powers.—Royal Governments established.

DURING the reign of William, the colony of New Jersey can be said to have scarcely enjoyed the blessings of regular government. Sensible of the defect of the proprietors' powers, the people successively opposed the chief rulers, as they were swayed by interest, or friendship, or faction. The statute, which conferred the approbation of governors on the king, enfeebled an authority already weak, because, when the royal assent was withholden, the colonists made this circumstance an excuse for denying their obedience. And amid the universal confusion, which naturally ensued, the inhabitants snatched the opportunity that was offered them of carrying into acts of violence the original principles of their fathers. While those causes of wretchedness produced their natural effects, the prosperity of New Jersey was retarded by the interested conduct of New York, who, by denying to her merchants a port of entry, and by imposing customs on her commerce, exercised the superiority belonging to legislation. Nothing but the common dread of common punishment prevented the two provinces from deciding their disputes by force. New Jersey insisted in vain, that, since she had been long ruled by different governors, assem-

blies, and laws, she owed no obedience to any neighboring legislature. And she claimed, without success, every privilege belonging to separate jurisdiction, as interest is generally too powerful for right. The Board of Trade supported the pretensions of New York, because, under an act of her legislature, an income was collected from the exports of Jersey. It was on that occasion, when the real principles of taxation seem to have been unknown, at least disregarded in the scramble for preëminence and profit, that Sir Creswell Levinz and Sir John Hawles gave it as their opinion, that no taxes could be levied on the people of this province but by their own assembly or by act of Parliament. Invigorated by their judgment, the proprietaries appealed to the laws of England for that justice which seemed to have been denied them by power. And they derived, from a trial in Westminster Hall, the privilege of ports of entry, which had been refused by the ministers upon a mistake, the more inveterate, because it was founded in their desire of revenue. Thus were distinct custom-houses erected in the Jerseys; and thus were collectors of the parliamentary duties first regularly introduced into their jurisprudence by a contest which courted their presence. But the triumph of the proprietors necessarily weakened their power, because, during the controversy, their chartered immunities had been more narrowly inspected and found to have been always defective. Mankind seldom regard doubtful authority. In 1700, the provincials represented to William, what showed at least their own wretchedness, "that there did not remain among them the shadow of law or government;" and they requested him to recall the political powers, of which the lords of the soil had shown themselves, by their neglects, to have been unworthy. What was thus disagreeable to others,

the rulers at length discovered- "to have long been a very expensive feather to them, wherewith they were ready to part." And having formally surrendered to the king a jurisdiction, obnoxious to the people and burdensome to themselves, a royal government was here established in 1702; as equally necessary for the protection of the individual and for the preservation of the country to the crown.*

* The following anecdote may gratify a certain-class of readers, because it contains a stroke in the history of England, during that interesting reign. Morris, who negotiated the important business mentioned in the text, and lived to be the chief justice of New York and the governor of New Jersey, wrote the Board of Trade, in October, 1733; "I remember, when I transacted the surrender of the charter of Jersey, the proprietors insisted that there should be a triennial assembly; but Mr. Popple (the secretary) came from the then Board of Trade, and desired that I would use my endeavors that they should not insist on that point; for that the king, though he had (against his inclination) consented to an act of Parliament of that nature in England, yet would never consent to it in the plantations."

CHAPTER XXIV.

PENNSYLVANIA. — Accusations of protecting Fugitives and Pirates, and of disregarding the Acts of Trade. — Penn's Explanations. — Proceedings of the Assembly. — Opposition to the Court of Admiralty. — Penn's return to the Colony. — Changes made by him. — Acts of Reciprocity between him and the Assembly. — Constitution established by him. — None of his Grants of Privileges ever presented for Royal Approbation. — Separation of the Lower Counties of Delaware. — Agent sent to England from the Delaware Colony, with Complaints against Penn.

DURING the continued distractions in the Jerseys, Pennsylvania enjoyed singular prosperity, for the promotion of which she seems not to have been always regardful of the means. As she was accused of giving protection to the fugitive and pirate, of disregarding the acts of trade in her avidity for gain, William gave warning to Penn, in April, 1697, "to provide a remedy for abuses, the continuance of which he should consider as a forfeiture of his charter." With his wonted address, the proprietary endeavored to explain what he could not deny. Urged no less by his suggestions than by their own interest, the assembly transmitted to that monarch, in May, 1698, unsubstantial professions "of readiness to discourage illegal trade," and recriminations against Randolph, the surveyor-general of the customs, for his invectives against the province. Yet they not long after passed an act, which, under the plausible pretence of regulating abuses, was really designed to defeat the acts of navigation. The Pennsylvanians regarded the court of admiralty "as more destructive than the ship-money," and therefore opposed it by

every measure that interest and cunning could invent. At the same time that means were used to induce the grand-jury to present its officers as enemies to the province, the judge of that obnoxious judicatory informed the ministers, "that his commission could be of no effect, while the government denied the force of acts of Parliament." It required more than the abilities of Penn to defend his tenants and his officers against charges, so extremely offensive and so vigorously urged. He attempted to blunt the force of accusation, by pleading before the Board of Trade; "that their infancy and unskilfulness in point of law ought to induce their lordships to think them not so disobedient as mistaken and ignorant." Yet he lived to lament, that the men, for whom he now made that singular apology, under the mask of simplicity, concealed the deepest designs. To little purpose he pressed such topics on ministers, who were minutely informed, by irresistible evidence, of the affairs of Pennsylvania. And the Board represented to the lords justices, in August, 1699; "that though Markham, the deputy-governor, was not approved by the king, he had presumed to pass acts of assembly contrary to his instructions and to law; that the whole members of the Pennsylvanian government having set themselves in opposition to the court of admiralty and persuaded the inhabitants to disobey its decrees, the bad disposition of that people and the mismanagement of that administration, required a speedy remedy."

When Penn returned to his province in 1699, he beheld with astonishment the progress it had made during the fifteen years of his absence; owing, as he assured the ministers of England, "not to unlawful trade or piracy, but to honest labor and sobriety." He was soon reduced to the sad dilemma of either

offending his sovereign, or of disobliging his tenants. Afraid of the powerful enmity of the Board of Trade, he however displaced those who were most obnoxious for their opposition to the court of admiralty; he procured a law against pirates; and his apparent zeal induced those who had lately complained, to confess "that he had made a great change, by discountenancing former proceedings and giving encouragement to the officers of the customs." The assembly too, endeavored by arts, that imposed on no one in England, to vindicate their constituents from imputations, which, though exaggerated, were yet true, because general professions, when opposed by contradictory conduct, seldom procure conviction. But they soon convinced their sagacious ruler, that, unless he gratified them in all things, they would neither pity his misfortunes nor relieve distresses, which, owing to the settlement of Pennsylvania, had been incurred by giving happiness to others. That conduct which had gained him the approbation of his sovereign, Penn was therefore obliged to alter. He restored obnoxious officers; he refused to obey the royal order for sending pirates to England, since there was now a legal mode of trial in the province; he obstructed the proceedings of the courts of admiralty, pretending that it absorbed all jurisdiction. And unanimity was now restored in the legislature, where it was equally necessary to both parties. The delegates granted him two thousand pounds, and a small revenue for support of his economical administration. He in return confirmed the lands of the freeholders. He consented to a variety of laws, which, though pleasing to the people, were afterwards rejected by the Board of Trade, because they were complained of as contrary to national interests. And, during the same moment that he heard of measures having been

adopted by Parliament for the resumption of all charter governments, he established that constitution for Pennsylvania, which has continued to the present times and has entailed celebrity on his name; though it deprived his family of influence and the crown of its rights. It is a remarkable fact in the Pennsylvania history, that, of the various grants of privileges hitherto conferred by Penn on his followers, none had been presented for the royal approbation, which his patent required as essential to the validity of every law, though those charters of immunities formed fundamental laws.

The utmost art of the proprietary had been tried in vain to reconcile men whose disputes with regard to interest were heightened by religious differences. The province and the Lower Counties on Delaware, though united from his first arrival in 1682, separated, when the late charters were granted in October, 1701, with dispositions never to meet again. And to England the delegates of the Delaware colony sent a zealous agent to represent their wrongs. He complained to ministers, who were predisposed to favor his cause, "that, though their country was an advanced frontier and had been plundered by pirates, they had often applied to Penn for the means of defence without effect; that, though for eighteen years he had exercised over them every act of jurisdiction, he could show no charter from the crown;" and Quarry begged that his constituents might be received under the royal government, in order that they might enjoy in future the royal protection. The proprietary employed his great talents, without effect, to remove the impressions which those various complaints had made. And the Board of Trade hesitated to recommend for the royal assent the laws lately passed in his province, lest this circumstance should be regarded as an acknowledgment of an authority

which seemed not to belong to him. Yet, with the inconsistency so remarkable in the colonial administration of England, Penn and his posterity have been allowed to govern the Delaware colony, though the inconvenience of the chartered forms was complained of in every reign. It was thought sufficient to oblige them, when they asked the king's approbation of their future governors, to declare that this circumstance should not be considered as a confirmation of their title. During an unguarded moment, that able politician confessed to the Board of Trade, when pressed by their objections, "that, had James the Second remained two days longer at Whitehall, he would have obtained a grant under the great seal for the three counties on Delaware." Penn seems never to have forgiven King William, because even petty disappointments are seldom forgotten.

CHAPTER XXV.

MARYLAND and VIRGINIA.—Their Submission to the Regulations of England.—Quietness.—Parliamentary Prohibition respecting Tobacco.

MARYLAND and VIRGINIA sullenly submitted to the regulations of England; to the establishment of the courts of admiralty; because they were said to have been somewhat infected "with the malignant humor of the proprietary governments." Yet they remained quiet, because, having granted a standing income for the support of the civil establishments when they were influenced by zeal, subjects for disputation were removed. The fair trader and the national revenue had long equally suffered from the exportation of unpacked tobacco; and no arguments had been sufficient to persuade the assemblies to abrogate a practice, which, though it depreciated their staple, was pleasing to the people. Continued complaints urged the Parliament, during the year 1700, to prohibit a mode of traffic, at once favored and pernicious, under the penalty of forfeiture. Thus, what had been denied by former assemblies to the commands of the stern James, to the requisitions of the beloved Mary, was now granted by the supreme legislature to the policy of William.*

*X. and XI. William III., ch. 21.

CHAPTER XXVI.

CAROLINA.—Attempt to enforce the Acts of Navigation.—Judicatories deny Appeals to England.—Warnings of the Board of Trade and the Proprietors.

MEANTIME the salutary measures of the proprietors of Carolina had promoted internal quiet, though they did not gain the submission of colonists, whose confidence they seem to have never enjoyed. Jealousy rather than any real difference continued to incite opposition. In vain the chief rulers, ever attached to the national authority, since their own power was involved in its stability, gave instructions to their attorney-general "to prosecute breaches of the acts of navigation, to prevent the king from being defrauded of his customs." The efforts of their prosecutor proved feeble when opposed to the spirit of a people. And reiterated complaints were made to the ministers, "of encouragement to illicit trade, of opposition to the officers of the revenue and the admiralty." Urged by the temper of their constituents the assemblies enacted laws, which, while they enervated the commercial system of the mother-country, promoted the interests of those who gained from its debility. The colonial judicatories denied appeals to England, insisting, "that neither law nor precedent could be shown in their favor." Of those various practices the Board of Trade warned the proprietaries, in a spirit which was at length derided, as their threats had never been executed, "that any wilful neglect would be considered as a forfeiture

of their patent." Roused by warnings which so nearly concerned them, they remonstrated with the governor and council against that conduct of the province which had given such just offence, assuring them, in determined language, "that as they had transmitted several acts of assembly, which made bold with the laws of England, they could not approve of what interfered with the statute and common laws of the realm."

CHAPTER XXVII.

THE COLONIES. — Their Irregularities. — Charges brought against the Colonies by the Board of Trade. — Bill for abolishing the Charters. — Applications to England for Support. — Colonies to furnish Aid to New York. — Money sent from the Treasury. — Presents to the Five Nations. — Cause of the cautious Conduct in the succeeding War. — Further Representations from the Colonies. — Their Disobedience complained of by the Board of Trade. — Remarks on William the Third's Colonial Administration.

THE foregoing events at length attracted the attention of the ministers, of the king, and the Parliament. Perceiving the irregularities of the chartered colonies to have increased in proportion to the length of their continuance, the Board of Trade thought it their duty to represent to William, in March, 1701; "That, far from having answered the chief design for which such large immunities had been granted, they had not in general complied with the late act of Parliament; that they had not only assumed the power of making by-laws, repugnant to the laws of England and destructive to trade, but they refused to transmit their acts, or to allow appeals, and continued to be the retreat of pirates, and illegal traders, and the receptacle of contraband merchandise. That, by exempting their inhabitants from the customs paid by other plantations, these independent governments undermined the welfare of their neighbors, and by lowering the value of coins, turned the course of trade to the promoting of woollen and other manufactures proper for England, contrary to the true intention of such establishments. That these irreg-

ularities, arising from the ill use they make of their charters, and the independency they pretend to, evince how necessary it becomes more and more every day to introduce such a regulation of trade and such an administration of government as shall make them duly subservient to England. That, since the royal commands had not met with due obedience, it might be expedient to resume their charters, and to reduce them to the same dependency as other colonies, which will be best effected by the legislative power of this kingdom." And, with this wise design, a bill was not long after introduced into the House of Lords. General in its provisions, and liable, therefore, to few objections, it declared void the powers formerly granted; it authorized the king to rule the inhabitants by the same forms as in the royal governments, preserving to the individual his private rights. It was opposed, however, with the vehemence of men urged by interest and contending for independence. Before the Peers was laid the immense collection of documents, which had evinced to others the inconvenience of the chartered systems and the importance of removing them. Yet, owing to the distraction of a contentious session, filled with impeachments, that salutary bill was delayed rather than rejected. A similar representation was delivered by the Board to the Commons, stating the same facts in stronger language, and pressing the necessity of an annexation of those "independent governments" to the crown in still more vigorous terms. The real motives of the commissioners of colonies, whose reports deserve the greatest credit, since the state papers which convinced them remain for the inspection of posterity, appear from what they wrote to Lord Bellomont, in April, 1701; "that the denial of appeals is a humor, which prevails so much in proprietary and charter

plantations, and the independency they thirst after is now so notorious, that it had been thought fit those considerations and other objections should be laid before the Parliament." And they requested further information on this interesting subject, because the measure, which had been only deferred, would probably soon be resumed.

From projects of policy, the attention of every one was not long after drawn to considerations of defence. The thick cloud which settled over Europe, as the Spanish king's health declined, alarmed English statesmen in proportion as they feared for their country from its baneful effects when it should burst. Upon looking into the transatlantic territories, they found a coast of a thousand miles extent, indented every where by navigable rivers, unprotected by any real fortifications, and inhabited by a divided people; who, though they saw the approaching danger, seemed either unable or unwilling to defend themselves by common measures, because each only felt for himself. In this anxious moment, the assemblies made separate applications to England for her accustomed support. But on that occasion was given to William an advice, which was dictated by recent experience; "that, besides the assistance that he might be pleased to give them, it was necessary that the inhabitants should on their part contribute to their mutual security." New York being still regarded as an advanced frontier, which gave security to the southern settlements, all were again required to furnish special quotas of aid, because, though she was weak, they derived a benefit from her efforts. Money was sent from the treasury to secure her borders from the attacks of Canada; and presents of unusual value were transmitted to the five confederated tribes, her allies, in order to regain and preserve that

confidence, which, since the peace of Ryswick, had been lost by inattention. Those sagacious woodsmen received the welcome gratuities with their usual avidity, pretending to cede their country to the crown, that it might be protected, for their use, from the encroachments of France. But they asked, with a look which pierced the beholders, "if they could be supposed such fools as to expect effectual protection from a king, who was unable to repair his castles or even to clothe his warriors?" Thus, regardful only of themselves, we discover the motive of their cautious conduct during the war that ensued, partly in their dread of the French but more in their contempt of the English.

As dangers seemed now to draw near, the several assemblies thought it prudent to lay before their sovereign their own inabilities, the little defence they could expect from the situation or the efforts of New York, exposed as they were to ravages of privateers from the sea and to incursions of savages by land. Yet their representations were deemed insufficient in England, because they were regarded either as unfounded or insincere. Urged by recent experience, the Board of Trade not only represented to their warlike sovereign, in January, 1702, the defenceless state of the plantations, and the irregularities of their traffic, but they insisted, "that while Massachusetts showed her unwillingness to comply with late requests, either for her own defence or for the assistance of others, alleging her weakness and the inutility of the object, she asked further supplies and larger ships of war; that the other settlements had in the same manner denied the requested aid to New York, without assigning satisfactory reasons; that since the chartered colonies refused obedience to late requisitions, and continued the retreat of pirates and of smugglers, the

national interest required that such independent administrations should be placed, by the legislative power of this kingdom, in the same state of dependence as the royal governments." That monarch lamented the disobedience and distraction that he could not prevent or punish. And as he retired from a storm, the approach of which he beheld with regret, because he perceived that he should not live to direct its course from his kingdoms, he desired the Board to inform him, "what he might do of himself for the defence of his plantations; what might be proper to be laid before the Parliament."

In the colonial administration of William the Third, we see the attachment to prerogative of James the First and his son, the bustle of the protector, the contrariety of Charles the Second, and the arbitrariness of the banished king. By denying to the colonists the liberty of the press, after it had thrown off its shackles in England, he deprived them of freedom of mind. By refusing them the writ of *habeas corpus*, he withheld the strongest fence of personal freedom; yet, informed at length of the oppressions of his representatives, he procured a law, inflicting punishment on their delinquencies. When, contrary to the declaration of rights, he invaded the provincial charters, he forgot the conditions on which he had accepted the crown; yet when the injured applied for redress he generally restored what through misadvice had been illegally taken away. The royal government of Pennsylvania during a part of his reign, and of Maryland during the whole, can be regarded only as an usurpation, since it was established by an act of power in opposition to law. Having by improper influence granted to Massachusetts a patent of privileges, which

he lived to see grossly abused, he endeavored laudably, by an act of the legislature, to abrogate territorial systems that had led the provincials by an easy progress "to thirst after independence." Let no personal imputations be, however, thrown on William or the ministers who advised him; like other kings and other statesmen they ruled the plantations according to the experience of the age, prompted perhaps by their mixed educations and carried away by the prejudices of their younger days.* But the result was disadvantageous to England. While the revolution asserted the right of Parliament to legislate for every dominion of the crown, the principles which had been propagated to produce that momentous event, the insurrec-

* The state papers demonstrate, that the most renowned jurists of the reign of William had formed no complete conception of the nature of the connective principle between the parent country and her colonies; of the extent of the royal prerogative, as applied to the government of each, while the jurisdiction of Parliament was by all admitted to be coextensive with the boundaries of the empire. Contrary to the declaration of rights, the chief justice, Holt, advised his sovereign to assume the government of Maryland, *on a supposed necessity, without any form of law*; [see his letter to the president of the council, in the Maryland Pap. Plant. Off.;] with whom, however, afterwards, concurred Sir Edward Northey and Sir Simon Harcourt. Sir Thomas Trevor doubted how far the Marylanders were entitled to the benefit of the great charter. The most respectable cabinet which that monarch ever enjoyed, composed of Lord Somers, Lord Pembroke, Lord Shrewsbury, Lord Bridgewater, Lord Romney, Lord Godolphin, and Sir William Trumbull, denied to the New-English the privilege of the writ of *habeas corpus*, because "it had never been conferred on the colonists by any king of England;" plainly supposing, that the most important of all rights, the best security of personal liberty, must result from a grant of the crown to a subject beyond the ocean. [See their Report Rec. in Plant. Off. N. Eng. 4. v. p. 200.] Mr. Locke, with other philosophers, solemnly advised that prince to appoint a captain-general over the colonies, with dictatorial power to levy and command an army without their own consent, or even the approbation of Parliament. These singular anecdotes seem to show, that those illustrious statesmen had not sufficiently considered that important subject, as it had not then engaged public discussion. We may learn the opinion of the popular politicians of those days, from what Davenant gravely remarked in his discourse on the plantation trade; "We shall not determine whether the people of those settlements have a right to all the privileges of English subjects; but the contrary notion is perhaps too much entertained and practised in places which happen to be distant from St. Stephen's chapel; upon which account it will peradventure be a great security and encouragement to those industrious people, if a declaratory law were made, that Englishmen have a right to all the laws of England, while they remain in countries subject to the dominion of this kingdom." Davenant was one of that class of writers, who in every age have recommended regulations to the legislature without

tions which had been countenanced in those territories to give it effect, really enfeebled parliamentary power, though, during the present reign, the supreme legislature had enacted laws to bind them in all cases whatsoever.

understanding the law, and without reading their acts have censured the proceedings of Parliament. Molloy wrote modestly on the jurisprudence of his country, because he was really learned. Having clearly shown "that none are aliens who are born within the ligeance and obedience of the king," he thence justly inferred; "so those that are born at this day [1682] in Virginia, New England, or any other of his majesty's plantations, are natural-born subjects." [De Jur. Marit. b. 3. ch. 2.] Hence we may perceive, that the clause of all the colonial charters, stipulating "that the emigrants should still be considered as subjects, whose children should be entitled to the rights of Englishmen," had been inserted by the abundant caution of lawyers, since that stipulation was implied by law.

BOOK SEVENTH.

R E I G N O F A N N E .

1702 — 1714.

BOOK SEVENTH.

REIGN OF ANNE.

1702—1714.

CHAPTER I.

THE COLONIES.—Proclamation of the Accession of the Queen.—The Act of Maryland, recognizing her Title.—Declaration of War against France.—Measures for defending the Colonies;—For regulating them.—Abuses charged upon them by the Board of Trade;—By Dudley, of Massachusetts;—By Mompesson, of New York;—By Colonel King, from Boston.—Complaints respecting New York and New Jersey.—Power of the Twelve Counsellors of Virginia.—Blair procures the Recall of Nicholson from Virginia.—Purposes of Virginia and Remonstrances of the Board of Trade.—Spotswood.—Increase of Population in the Colonies.—Commerce.—Illicit Traffic.—Act of Parliament regulating different Denominations of Money.—New Acts respecting Commerce;—Respecting Molasses, Rice, and Irish Linen;—Giving Bounties.—Effects of the Bounties on Commerce.—Law to preserve Pine Trees for Masts.

UNDER the parliamentary settlement which had conferred on William his power, Anne succeeded to the crown of England, in March, 1702, and to the government of the various dominions belonging to it.

Orders were immediately despatched to the colonies to proclaim an event, so interesting to subjects, whose allegiance was again transferred by an act of Parliament, wherein their consent was then supposed to be

included. All submitted, without objection, to an authority that was by all allowed to be just. Yet the assembly of Maryland alone passed an act, recognizing her title, which, though regarded as an instance of attachment, was rejected by the queen, because she was told, that, while it seemed to respect the law which had placed her on the throne, it really impugned parliamentary jurisdiction.

When the ministers, in their vigorous preparations for hostility, recollected the deplorable weakness of the plantations they deliberated how to defend them. At the same time that they ordered the governors to proclaim war against France, they directed the assemblies, in the futile spirit of the late reign, "to build fortifications and to aid one another." With the warlike attention of William, arms were continually placed in the hands of colonists, whose inability to furnish themselves was equal to their want of inclination to use them; whose delegates, however, returned their thanks for repeated favors, while they denied the requisitions of her who conferred them. And frigates were stationed on their coasts, and convoys were given to their commerce, because England derived a benefit from the security of both. They were warned of "the mischiefs of their trading and corresponding with the French during the last war, and commanded to avoid similar practices in the present." Experience showed the impolicy of making requests or of issuing prohibitions when the crimes of delinquents could be only deplored.

Having thus endeavored to give safety to the colonies, the attention of the ministers was not long after turned to their regulation. Terrified, probably, at the vast collection of papers, which had been brought into their House two years before, the Lords directed the

Board of Trade, in November, 1702, "to lay before them an abstract of the chief abuses of the charter colonies and to offer proper remedies." In return, the Board put them in remembrance of what they had already so often communicated, and gave them the additional intelligence which recent solicitation had gained. Yet former objections, rather than more interesting engagements, prevented the Peers from giving the sanction of the legislature to a resumption of improvident powers, the necessity of which became daily more apparent to the wise.

The colonial administration of William, contradictory in principle and inconsiderate in conduct, had necessarily weakened the jurisdiction of England over her plantations. Laws that are disobeyed with impunity shake the power of the legislature whence they proceed; imprudent exertions of prerogative lessen its just authority. And the embarrassments of the late reign, proceeding as much from the neglects of England as from the habits of the planters and the forms of their government, naturally descended with additional perplexities to the present. Experience soon discovered what sagacity had already inferred from facts. When Dudley assumed the government of Massachusetts, in 1702, he found what had already engaged the reprehension of Bellomont, his predecessor, "that even many of the counsellors were commonwealthsmen;" and he informed Lord Nottingham, the secretary of state, in December, 1703, "that he had communicated the queen's requisitions to the assembly; but, though he used all possible methods, he found it impossible to move that sort of men, who love not the crown and government of England, to any manner of obedience." Had a key been wanting to open what seemed thus to be locked up in mystery, at least from common ob-

servers, the ministers received an explanatory instrument from various officers, when they were not long after told "that the people are of an ungovernable spirit, and, notwithstanding their pretences, are against monarchical government." Mompesson, the chief justice of New York, who has been praised for talents as well as integrity, wrote to Lord Nottingham, in July, 1704, "that antimonarchical principles and malice to the Church of England daily increase in all those places, where the magistrates encourage them, which is done in most proprietary governments, not omitting Boston ; and, to my own knowledge, some of their leading men already begin to talk of shaking off their subjection to the crown of England." The religion, the manners, the politics of the New-English, all proceeding from the native principles of the heart, appeared in a striking light to strangers, who, long used to a different people, of dissimilar maxims, saw with astonishment present effects, while they thought it their duty to give warning to the rulers of their country of future consequences. Colonel King, the intelligent commander of the artillery in the famous expedition to Canada, wrote from Boston to Secretary St. John, in July, 1711, "that, till all their charters are resumed by the crown, or taken away by act of Parliament, and they are settled under one government, all these colonies will grow every day more stiff and disobedient, more burdensome than advantageous to Great Britain."

During the preceding reign, the notions of New York had been perverted by the New-English, while her repose was disturbed by their intrigues. In the present, the same motives continued to inspire a similar conduct, the effects of which may be now traced in public proceedings, and was then deplored by those who were intrusted with command. Broughton, the attor-

ney-general, wrote to the Board of Trade, in June, 1704, "that there are some republican spirits among us; some that retain the leaven of the late factions; and even the assembly have shown a touch thereof, in their disputes during this session." While Governor Hunter felt the anguish of hope deferred, he lamented to the Board, in July, 1715; "This I confidently affirm, that all the opposition and vexation I have met with in New York and New Jersey, have been in a great measure owing to those who came to us from New England; but whether this be a true sample of the great body of the people there, or only a set of restless men, who can be easy nowhere, I cannot determine."

Infected by "the malignant humor of the charter colonies," Virginia departed at the revolution from that adherence to her ancient loyalty and from that veneration for the constitution of England, which had gained her just renown. Her adopted tenets produced, by an easy operation, consequences which soon assumed a singular appearance. A few considerable families attempted to engross all authority, to place the chief command in an aristocracy. From the constitution of this province, the twelve counsellors enjoyed almost every power; without their consent the governor could perform no official act; they possessed an essential vote in the making of laws; they executed the whole judicial authority, as judges of the supreme court, wherein the first magistrate only presided; and they stood at the head of the militia as lieutenants of the counties. Perfectly informed of their affairs, the Board of Trade perceived the danger of their overgrown influence, and wisely endeavored to lessen what seemed already beyond control; they complained to the Commons of the difficulty of procuring justice from magistrates who were considerably indebted to English

merchants; they instructed the governor "to allow no counsellor to act as a naval officer." But Nicholson found that reformation is every where a dangerous operation. Six counsellors, directed by Blair, the Bishop of London's factious comm ssary, easily procured his recall, because he had acted imprudently, if not corruptly. They attempted to gain from his successor permission to execute offices contrary to his instructions. And Quarry, the attentive surveyor-general of the customs, was induced from what he saw to inform the Board of Trade, in September, 1706, "that some want to invest the council with the sole government; and therefore endeavor to lessen the prerogative, which is now almost attained." Animated by intelligence that only confirmed what they already knew, the Board wrote in March, 1707, to the president and council, in language which showed the opinion and conduct of both parties; "that the act of assembly establishing the general court would not pass, because there was no saving of the undoubted right of the crown to receive appeals; that the late Governor Nott was right to give his dissent to the act for county courts, because it attempted to take away the governor's undoubted power of appointing justices, without the consent of five of themselves." When Spotswood, whose talents qualified him to rule a kingdom, acquired the unpleasant preëminence, in 1710, he instantly discovered "that it was necessary to have a balance on the Bench and at the Board." Sad experience at length constrained him to warn the ministers of England, "that a party was so encouraged by their success in removing former governors, that they are resolved no one shall sit easy who doth not entirely submit to their dictates; this is the case at present, and will continue, unless a stop is put

to their growing power, to whom not any one particular governor, but government itself, is equally disagreeable."

Having thus found the ruling passion of each, it will be easy to trace, in the various colonies, the motive of their future conduct.

The facility of subsistence, the forms of government, the modes of life, all had contributed with other causes to add considerable numbers to colonial population during the preceding reign. The rapidity of increase induced Davenant to remark ; "that it is matter of astonishment, how in so few years such a number of men should be got together in a country for the most part wild and uncultivated." And to the general aggregate of inhabitants had probably been added one half during the short period from the revolution to the accession of Anne. Though their commerce was still inconsiderable, it had increased in proportion to the gradual augmentations of the people, and of their power to gratify their wants. The value of the annual exports to the continental colonies, on an average of the three last years of William, amounted only to £320,662 ; of the imports from them to £320,016 ; and the unimportant result could have imparted during his reign no great energy to the exertions of the manufacturer, or to the enterprises of the sailor. The traffic, which, partly in opposition to the acts of navigation, the colonists carried on to the European ports, to the Western islands, and to the West Indies, must have been nearly equal to the extent of their direct trade with England. And we may infer that the general balance of a commerce, illicit yet equitable, must have been extremely gainful, since they had acquired a considerable quantity of foreign silver coin, before they

had yet issued paper bills, at least to any inconvenient amount.*

From the distinctness of jurisdiction, and the dissimilarity of modes, circulation met with great obstructions towards the beginning of the reign of Anne. To this commercial grievance her ministers immediately turned their attention. In November, 1703, the Board of Trade represented to that princess, how much the traffic of the plantations was embarrassed by the difference of denomination at which the dollar was received in the different provinces; at four shillings and sixpence each in Maryland, at seven shillings in Pennsylvania, at six shillings in Massachusetts. And they advised the queen to declare that the piece of eight should pass every where at six shillings, since the officers of the mint had found that rate to be its true relative value. A proclamation was transmitted thither in the subsequent year, in prosecution of an advice, which Sir Edward Northey had declared to be legal, and which was now adopted as salutary. But this just exertion of prerogative did not meet with obedience at a time that acts of the legislature were derided and opposed. In New York the governor and council formally suspended the proclamation, because it had been wholly disregarded in the chartered colonies. When the Board asked the same great lawyer in October, 1705, whether that which he had lately advised as constitutional ought to be superseded or enforced, he gave it as his opinion, "that the complaints in those settlements cannot be cured but by an act of Parliament." Yet it was not till June, 1707, that they recommended this measure to

* Owing to the illicit practices formerly complained of by Davenant, and now mentioned in the text, the taxes, which had acquired the technical denomination of "*plantation duties granted by 25 Charles the Second*," did not yield, from 1698 to 1699, more than the expenses of management. But, according to an average of the four last years of King William, that revenue brought net into the Exchequer £1190.

their sovereign, as "her proclamation had been published in New England with no effect, since silver coins now pass higher than ever." And in the subsequent year was enacted the law * "for ascertaining the rates of foreign coins;" reciting the bad practice of drawing money from one province to another; and enforcing the royal declaration by fine and imprisonment. Here is the origin of what is properly denominated the legal currency of the colonies.

That prudent act of Parliament was at first in the same manner opposed and afterwards neglected, because it could not be executed among a people, whose courts of justice did not regard it as an indispensable rule. In New York, in Pennsylvania, and in other provinces, their assemblies passed acts to elude its operation by explaining it, which, however, were disallowed by the queen, as she was told "they were of dangerous consequence." In Massachusetts it was disregarded, since it clashed at once with her principles and her profit. Cranston, who by the choice of the colonists ruled Rhode Island, formally superseded its execution. What a spectacle, to behold the petty governor of a petty corporation suspending an act of the supreme legislature! doing that with impunity, for which the greatest minister of a jealous nation had probably lost his head! In vain the Board of Trade issued commands and threats, since the most powerful passions of the human heart rose up against both.

Influenced by the same motives, the Parliament deliberated long, with regard to the affairs of the colonies, during the session of 1704; granting to their commerce, with the same hand, regulation and

* VI. Anne, ch. 30.

encouragement. While the acts of navigation were enforced by new explanations and additional penalties, they were extended to other objects; to the molasses of the West Indies and the rice of Carolina, which could not in future be thence exported to foreign countries;* and the commercial system of England was relaxed, in order to give a benefit to Ireland, by permitting Irish linen to be sent directly to the plantations. Having remarked, "that the colonies had been first settled, and were still maintained, at a great national expense, and ought therefore to be made more useful to the state," the Parliament conferred a variety of bounties on the importation of naval stores of their growth; with design that the royal navy might be more amply provided and the settlements enabled to make more punctual returns. The Commons of 1621 originally adopted the policy of giving special immunities to the products of the colonies, because they deemed those transatlantic settlements dominions of the crown in opposition to those of foreign nations. The present, however, first appropriated a part of the national income as an incitement to colonial diligence. Yet it has been doubted by the ablest politicians, whether bounties are not in themselves impolitic, since they give the current of commerce an unnatural direction, which never fails to spread mischief as it overflows. The New-English regarded those rewards as peculiarly beneficial to them. The other plantations found them equally advantageous, because it is of the greatest importance to a people, indolent and poor, to give a spring to their ardor. And here is the origin of bounties in the American trade. We may judge of their beneficial effects from the pro-

* III. and IV. Anne, ch. 5, 8, 10.

VI. Anne, ch. 30, 37.

VIII. Anne, ch. 13.

digious importations that immediately followed; from the premiums which were paid by the navy-board, who were properly invested with the privilege of preëmption, on naval stores imported from the year 1713 to 1717, inclusive, amounting to £90,541.

The same law, which had thus conferred a bounty, prohibited the destruction of such pine trees as did not grow within any inclosure in New England, New York, and New Jersey; in order that the navy, which was to protect the whole, might be at all times supplied with masts. It was a laudable attention of William, that, when he granted the charter of Massachusetts, he had reserved to himself unappropriated trees with the same salutary views. During the foregoing reign, that colony had disregarded the prudent *proviso* of the patent, since there was no law to enforce it. In the present, the local legislature refused to supply the supposed deficiency, though New Hampshire had shown her a proper example, by prescribing an additional rule; though the Board of Trade had gravely represented, "how much the assertion of the assembly, that the clause of the charter was not binding on them, is groundless; for, if the charter is a law to the queen as to their rights, it is as much a law to the inhabitants as to her prerogative." The act of Parliament, which had thus arisen from this singular controversy, was either disregarded or eluded. Bridger, the surveyor-general of the woods, complained, in July, 1709, "that he could not get a judgment against the people for cutting trees." When the Peers were informed of a conduct, equally inconsistent with the interest and jurisdiction of England, they

* Exclusive of other naval stores, there were imported into England, in consequence of the bounties, during the year,

1707 —	9266	barrels of pitch and tar.		
1708 —	6099	do.	do.	do.
1709 —	7098	do.	do.	do.

directed the Board of Trade to draw a bill, which, in 1710, was passed into the act of Parliament * "for preserving white pine trees;" by imposing a forfeiture of one hundred pounds on him who should destroy such a tree, unless it were his property. The motive of that attentive body may be seen in what the Board wrote to Dudley, in January, 1710, "that, upon the refusal of Massachusetts to pass a law for the preservation of masts, they had proposed an act of Parliament here." It was only the few, who remarked, that it was idle and impolitic to impose penalties, the recovery of which was opposed by the forms of government, by the principles and interest of the people. Owing to those causes, that law proved as inefficacious as the former. And Bridger informed the secretary of state, in May, 1711, "of the great destruction of the woods, though he had presented many trespassers; because her majesty can never hope for justice, where the judges and juries are parties, who plead their charter."

* IX. Anne, ch. 17.

CHAPTER II.

NEW HAMPSHIRE. — Governor Dudley. — His Administration. — Power of the Independents. — Governor's Salary. — Royal Dissent to Allen's Claim to the Soil. — Taylor's Complaint as to Duties on Masts. — Illicit Traffic. — Warlike Stores from England.

THAT policy of the late reign, which had been practised without success, of appointing one person to govern several settlements, was continued in the present. It was not distinctly perceived, that he, who was unable to manage one assembly, would be still less able to direct a greater number. And Dudley, a native of New England, who, by virtue of an illegal commission of James the Second had ruled his country, was appointed governor of Massachusetts and New Hampshire, as well as commander-in-chief of the militia of Rhode Island. That new ruler was received with cold civility by his countrymen, because the opposition to his appointment had failed. Having determined to reside at Boston, the metropolis of the most powerful colony, he adopted a mode of administration for New Hampshire, which promoted his profit without disturbing his ease; which, at a trivial expense insured the peace of a people, who were represented "as of an ungovernable spirit, since they hated monarchical power." In the principal Independents, who, with the aid of the clergy, swayed with unbounded influence this inconsiderable province, he placed all power; as he allowed them to govern themselves, they procured for him, in return, a salary of one hundred

and fifty pounds a year. Pleased with these flattering attentions, the assembly thanked the queen for sending Dudley to rule them; they enacted laws, and established a larger revenue than any former governor had ever obtained, because themselves were to execute the one and to distribute the other. As private enjoyment had long been disturbed by Allen, who claimed the soil as general owner, they passed an act for confirming titles to land, which however was disallowed in England, since "there was no saving of prior rights." The royal dissent was no sooner announced in the colony, than dissatisfaction easily incited tumult among a generation who regarded resistance as part of their religion; but, though twenty were prosecuted, "the jury would find none guilty," as the judges, by enjoying their possessions under the same tenure, derived a benefit from their outrage. While England gave encouragement to the colonial manufacture of naval stores, the assembly counteracted a policy, which had their own good for its end; and to Lord Godolphin complaint was made by Taylor, an English merchant, "that he had been charged in New Hampshire larger duties on the exportation of masts than the colonists pay on the same." The illicit traffic, which had been practised during the late reign, was continued in the present, because "it was difficult to procure judgments in crown causes, since the judges are ignorant and the juries stubborn." Yet the queen sent supplies of warlike stores to enable them to comply with her requisitions, "by exerting themselves for their own preservation." Though the assembly seems to have granted as much as a petty people, unaccustomed to taxes, could pay, it was found impossible to defend them from the sudden incursions of a savage enemy, so unexpected in his onset, so barbarous in his

retreat. New Hampshire was represented by the Board of Trade to the queen, in November, 1708, "as reduced to great distress, and so poor as to be unable to raise two hundred pounds for building a fort at Newcastle." And to the prayers of the assembly, and to the recommendations of the Board, a considerable number of arms was given, though the officers of the ordnance insisted, that no money had been granted by Parliament for a purpose which had never been submitted to their judgment. Thus weakness and obstinacy went always together.

CHAPTER III.

MASSACHUSETTS.—Dudley's Visit to Indians on the Eastern Frontiers.—Policy of the Governor.—Altercations between him and the Assembly.—The Salary Question.—Pemaquid.—The Queen's Requisitions.—Fortification of Boston Harbor.—Hostilities on the Eastern Frontiers.—Expedition under Church.—Unsuccessful Application to Connecticut and Rhode Island for Aid.—Cary sent to England for Munitions.—Execution of Pirates.—The Governor's Dispute with the Assembly respecting the Speaker.—The Assembly's Refusal to comply with the Queen's Desire.—Messengers sent to Canada.—Vaudrenil's Commissioner to Boston.—Warlike Supplies promised to the Enemy.—Commitment and Trials at Boston for treasonable Correspondence.—Power assumed by the Delegates.—Convictions, and Appeal to England.—Northey's Opinion.—Refusal to Address the Queen, for her Portrait.—Indian Hostilities in 1707.—Stukeley's Ravages at Port-Royal and along the Coast.—Three Counsellors, sent to superintend the Army, order it back to Port-Royal.—French and Indian Hostilities in 1708.—Representations to the Queen by the Assembly.

PERFECTLY acquainted with the character of his countrymen, Dudley threw much of the policy, by which he ruled New Hampshire, into his administration of the greater province of Massachusetts, though he supported indeed the prerogative of the queen and the authority of England with becoming firmness, because his own principles were high. Foreseeing in European disputes the danger of Indian warfare, he had scarcely arrived when he visited the eastern frontiers, attended by a committee of assembly, that they might see the necessity of future requisitions. The tribes promised the continuance of peace, because they had not yet received their lessons from France. It was soon perceived that New England of all the colonies

was doomed to sustain the weight of the war. Sensible of the weakness of Canada, the French seemed willing to accept of a neutrality for America, though she was, at that epoch of her greatness, too proud to ask what the English showed no disposition to grant. Yet, from the pacific disposition of a more dreaded enemy, the Canadians obtained what was of the greatest importance to them, the inactivity of the five confederated tribes, who despised the one nation as much as they feared the other. And it was the dread of offending those powerful hordes which preserved New York and the southern settlements from the horrors of Indian incursions, while Massachusetts and New Hampshire waged unequal hostility with the eastern tribes, who were aided by Acadia and impelled by revenge.

As Dudley looked to England for support, he showed no great inclination to please the assembly which he first convened. He rejected five counsellors who had been chosen by the delegates, because "the best men were not elected, but persons of less affection to the strict dependence of these governments on the crown." In return, they complied with none of his desires. They neither granted a standing maintenance, nor consented to rebuild Pemaquid, though they in some measure enabled him to put the province in a state of defence by a donation of six thousand pounds. Urged by the governor's information, the queen sent him directions, in April, 1703, to acquaint the assembly, "that, in consideration of the privileges they enjoyed, she expected they would establish for him a salary, or, in case of refusal, she should be obliged to have recourse to such measures as might be effectual;" to rebuild the fortification so essential to the security of their frontiers, for which she would

send them cannon. But, while their ancient principles continued to influence their conduct, he communicated the queen's requisitions, no less just than salutary, to little purpose. The delegates had finally resolved to grant no permanent revenue, though they were disposed to give him presents, yearly yet trivial. And it was the passion of the times to choose such representatives as promised never to rebuild Pemaquid. Yet they wisely provided for the fortification of the harbor of Boston, because they perceived their own safety to be involved in its security. In the height of his disappointment, he wrote the Board of Trade, in September, 1703, "that, till the queen appoints the council, the best men can have no share in the government; till then nothing will go well." But this representation, which had arisen no less from his experience than his feelings, drew such an answer from his correspondents as shows what impression the firmness of the delegates had made; "that her majesty had so often written, with regard to his salary, without effect, that nothing more could at present be done." Happy had it been for England, had this prudent resolution been at all times adhered to; because nothing is more injurious to real authority than to press requisitions, which, having been often denied, are at length despised.

Though the eastern tribes had accepted the presents of Dudley with their wonted avidity, they commenced hostilities, in conjunction with the French, in 1703. The barbarity of their incursions could only terrify and ruin the adjacent provinces, which their utmost efforts were unable to conquer. The fears of the planters having communicated the same impression of danger to their delegates, they by liberal supplies enabled the governor not only to defend the frontiers but to retali-

ate on the enemy. They incited revenge by calling in the aid of avarice ; giving great rewards to him who should destroy an Indian, whom they regarded as a savage rather than a man. Trial discovered what it was of great importance for all to know, that the New-English, animated by such motives, "could in their excursions sustain cold and hunger as well as their adversaries, enured from their infancy to bear fatigue and famine." As however no great impression had been made on an enemy, whom it was so difficult as well as dangerous to pursue into their fastnesses, a considerable armament was sent under Church to range along the Acadian coast and to destroy the French settlements, since they had felt the unhappy influence of the French intrigues. He performed but too successfully what seems to have been wisely planned. He laid waste the country as far as his power extended, carrying into captivity those whom his inhuman sword had spared, since he wished to possess pledges for his countrymen's safety, whom the Canadians had retained in bondage. During scenes of hostility, which seemed to degrade human nature, since her rights were respected by neither party, Dudley applied for aid to Connecticut and Rhode Island without success, because they did not feel the devastations which their neighbors opposed. The assembly looked to England when they were thus denied assistance by those who enjoyed safety from their efforts. They sent Cary, as a special messenger, in 1704, to beg for cannon and ammunition ; for vessels of war, to convoy their ships and to guard their coast. At the same time Dudley merited the praise of the commercial world, because he gave them security by causing justice to be executed on several pirates, who still infested the surrounding seas. But

"on this occasion he found old prejudices reviving against him." And he printed the trial of the criminals "to save the clamor of a rude people, who were greatly surprised that any body should be put to death who brought gold into the country."

Urged by the solicitations of that active officer, and by the representations of the Board of Trade, the queen granted the desire of the assembly, though it was opposed by the officers of the ordnance; and, in the moment of conferring favors, it was thought seasonable "to renew the late requisitions for rebuilding Pemaquid and granting salaries." When the assembly convened, in 1705, a new subject for altercation arose; which in after times was attended with greater consequences than at present. Dudley disapproved of the speaker whom the delegates had chosen, as "he was poor and disliked the government of England." But the representatives insisting on their exclusive right of appointment, he waived his objection, by the advice of the council, under the saving of a protest, because they were not satisfied of the validity of his right, and they thought that necessary supplies might be obstructed by untimely perseverance. The delegates only acted according to their determined purpose, when they refused to comply with the queen's desires; insisting, in the language of their fathers, "that, as it is the native privilege of English subjects, by consent of Parliament, to grant such sums of money as the exigency may require, so they hoped always to enjoy the same privilege which they had hitherto possessed." They gave, however, such considerable contributions, as induced Dudley to confess, "that, though they neglected his personal support, they had at no time delayed any expedition; their whole being at stake." As the belligerent powers were at

length tired of a contest, barbarous yet fruitless, there seem to have been few acts of hostility committed, either by the French or English, during the year 1705. The governor sent messengers to Canada on the pretence of procuring a release of prisoners, but really in order to know the state of the country, which was found to be weak, as it had not been supported. Vaudreuil readily exchanged the prisoners, whom he had treated with kindness; and, as he probably knew the real object of the English messengers, he sent a commissioner to Boston with sincere proposals of neutrality. To the assembly, Dudley submitted the instances of the French commander, since they partook with himself in the conduct of the war; but they received his communications with coldness; not so much because they doubted their own authority to ratify his proposals as they were conscious of their superior strength. It was in the confidence of this sentiment that the governor assured the ministers, in February, 1706, "that with the aid of four ships of war he could conquer Canada."

The salutary admonitions of the secretary of state, neither to trade with the French nor to supply them with warlike stores, seem to have been as little regarded now as they had been during the hostilities of William. The Dutch of Albany, with the spirit of Dutchmen, constantly accommodated the Canadians and their Indians with destructive instruments, where-with they laid waste the extremities of New England. The merchants of Massachusetts furnished the Acadians with the supplies that enabled them to continue the war and to infest sometimes the frontiers of New York. These practices, undutiful and ruinous, became unpopular enough among the New Englanders, when it was suggested, though without foundation,

that Dudley was a partaker of the profit and the guilt. Accused of offences, of which they were not innocent, Lawson and Rowse, Vetch and Borland, considerable traders in Boston, were obliged to give security, in 1706, to answer at the next superior court, for their treasonable correspondence with the enemy. Meanwhile an irruption of the Indians and French, since the offered neutrality had been disdainfully rejected, turned the general clamor into popular fury. The delegates, partly to cover Dudley with shame, but more to show their own power, assumed the cognizance of a transaction, so finely calculated for their purpose. They resolved, "that the superior court had no jurisdiction, and that a parliamentary inquiry was necessary." The speaker committed the criminals by his warrant. And a formal impeachment, in the accustomed style of the Commons, was sent to the counsellors, who were thus supposed to possess the judicial power of the Peers. In vain the governor endeavored to inspire them with moderation, since "he was frightened by the mob, who threatened to pull his house down." Though the form of impeachment was discontinued, because it could not be supported, a mode equally irregular and unjust was adopted; the accused parties were tried by the whole legislature, which at length passed six separate acts, inflicting fines and imprisonment on each. And the unhappy victims of their indignation applied to England for that justice which their countrymen in their zeal had denied. When those intemperate proceedings were laid before the attorney-general, Northey, he gave it as his opinion, "that the assembly have no power from their charter to act as they have done; though they may make laws, they cannot execute them; that those acts were not fit to be confirmed, because they would form a

precedent of dangerous consequence." The obnoxious ordinances were repealed by the queen, who at the same time ordered the criminals to be prosecuted in the ordinary courts of law. Men of reflection remarked, how happy it was for the New-English, that a jurisdiction existed, which could correct their vehemence without injuring their system; which could punish the guilty without depriving the innocent of their rights. A trivial fact throws additional light on the temper of that assembly. They refused to address the queen, in return for her portrait, wherewith she had honored every colony; though the compliment, demanded by the civility of a woman, far less the respect due to the condescension of their sovereign, had impugned no privilege, had imposed no duty, had enforced no act of Parliament.

Though the tribes were tired of a contest, which had almost forced them to abandon their native woods, yet, urged by despair and by the persuasions of France, they made a most vigorous attack on New England, in the beginning of the year 1707. But they were easily repelled, as they were opposed by superior force and conduct. Dudley determined to put an end to a struggle, of petty vexation and of great expense, by the conquest of Acadia. A thousand men, under the direction of March, sailed from Boston for Port-Royal under the care of Stukeley, who commanded a royal frigate; expecting from the capture of the metropolis the submission of the province. When they could not gain the citadel either by the assault of troops, hastily embodied, or by regular approaches, since they had only brought with them light cannon for the field, "they resolved to destroy the settlement; they burned the houses, they killed the cattle, they cut the dams, they drowned the corn." The engineer, Redknap,

exulting in the mischief he had done, told the Board of Trade, "that, had an English colony sustained such a loss, they had thought themselves undone forever;" without reflecting, that war is but a necessary evil, the severities of which can only be regarded as an attack on human nature, when inflicted without some useful end. The New Englanders departed in June, not indeed for Boston; but "to make a general ravage of the seacoast westward to Casco Bay." Meantime the clamors of their countrymen charged the commanders with cowardice, since they did not lead up their troops to certain slaughter, without hope of success; and their punishment was demanded by the multitude, because they had not performed all that confidence had expected. In order to preserve the approbation of the assembly, three popular counsellors were sent by Dudley to superintend the army, and to direct its operations, in imitation of the deputies of the Dutch. They ordered the armament back to Port-Royal, where it performed as much as could have been reasonably expected from soldiers, wasted with disease and mutinous from indulgence.

The French and Indians inflicted on the frontiers of New England, in the year 1708, the same barbarities, which had disgraced their adversaries during the foregoing season. In this extremity, not of weakness but of apprehension, the assembly again applied to the mother country. To the queen they represented, "that it was now little short of twenty years since the province had been engaged in a consuming war with the eastern tribes, who could not be subdued, except by men of their own color; and they had found it equally difficult to procure the aid of the five confederated nations, whose neutrality had been hitherto preserved by the policy of France; they begged of that

princess not only for her commands to the Mohawks to fall on their implacable foes, but for her assistance to conquer Canada and Acadia; and when her success should enable her to prescribe terms of peace to her enemies, they implored, that she would retain Port-Royal, since they had found it a Dunkirk." To these representations an attention was given equal to their importance, which not long after produced measures, interesting to the colonies and to England.

CHAPTER IV.

RHODE ISLAND.—Dudley's Attempt to assume the Command of the Militia.—Continuance of the Irregularities of the last Reign.—The Governor and Council heard respecting Accusations against the Colony.—The Result.

RHODE ISLAND, during the foregoing events, enjoyed almost all the advantages of peace, attended with few of the infelicities of war. Dudley attempted, in 1702, to execute his commission as vice-admiral and commander-in-chief over its militia, with the success that might have been foreseen from the previous knowledge of the principles of the people. The Quakers, who had acquired chief sway, are said "to have raged indecently," when he demanded obedience, because the corporation had long exercised all authority under the charter. Dudley exclaimed while he yet felt the mortification of disappointment, "that the government of this colony was a scandal." To more impartial beholders, its conduct appeared in a different light. Mompesson, the chief justice of New York, wrote Lord Nottingham, in July, 1704; "When I was at Rhode Island, they did in all things as if they were out of the dominions of the crown." Informed by repeated intelligence, and urged by the suggestions of various officers, who insisted, "that instructions from England would not be sufficient, but that legal ways must be followed for bringing those people to better obedience, notwithstanding their charters," the Board of Trade represented these interesting notices to the

queen ; assuring her, "that they could not conceive how this reformation can be done, but by the supreme legislature." All the irregularities, of which this settlement was accused during the late reign, not only continued in the present, but they were said "to grow rather worse than better." The governor and council at length demanded to be heard against accusations, which, however, they insisted, contained a greater portion of misrepresentation than of truth. Yet the inquiry proved unfavorable to them. Every charge of giving protection to the deserter and to the fugitive, to the smuggler and the pirate ; of usurping powers not conferred by charter ; of denying obedience to acts of Parliament ; all were supported by the most indisputable evidence ; and by a confession, which they seem to have made without reflection, they admitted to be true what gave the greatest offence, "that Rhode Island had never carried on any direct trade with England." When the event of all these inquiries was communicated to the Privy Council, in January, 1706, they desired the Board of Trade to inform them "of all the misfeasances of the charter colonies, and all the advantages that may result from resuming their governments."

CHAPTER V.

THE COLONIES.—Lord Cornbury.—Royal Governor to Connecticut and Rhode Island, proposed.—Act against Heretics dissented to.—Legal Opinion respecting Regal Dissents.—Practices complained of by the Board of Trade to the Privy Council.—Bill in Commons to regulate Charter Governments and Trade, defeated.—Plan and Measures for driving the French from North America, in 1709.—Proposition to subdue Port-Royal.—Attempt to derive a Revenue from a General Post-Office.—Neal appointed Postmaster.—His Powers.—Acts in Relation thereto.—Introduction of the Posts into Virginia and Maryland.—Objections to the Parliamentary Post-Office Bill.—Expedition under Nicholson and Vetch to Port-Royal.—Its Capitulation.—Treatment of the Inhabitants.—Unimportance of the Conquest.—Massachusetts votes that the Provincials in Garrison are Volunteers in the King's Pay.—Solicitations for an Expedition against Canada.—Arrival of the Armament at Boston, in 1711.—Operations of the People.—Failure of the Expedition.—Port-Royal reinforced.—Incursions of French and Indians into New York and New England.—Unsuccessful Attempts to procure another Expedition to Canada.—Treaty of Utrecht.—Deliberations as to taxing the Colonies.—Submission of the Eastern Indians.—Massachusetts, during Anne's War.—Paper Money.

CONNECTICUT, being inhabited by a people of the same principles though of a different religion, acted the same political part as Rhode Island; the charters of both were extremely similar, and both usurped authority that did not belong to them. Lord Cornbury wrote to the Board of Trade from New York, in September, 1703, "that Connecticut and Rhode Island hate every body that owns any subjection to the queen." In pursuance of this singular information, the ministers proposed in the subsequent year to send a royal governor to both, during the continuance of the war. But this inconsiderate project was dropped, on hearing the

counsel of the colonies, though its legality was supported by the advice which Ward and Trevor had given officially to William, and its policy was recommended by the practice of that monarch with regard to Pennsylvania. While neither the maxims nor the irregularities of Connecticut could be justified, the policy of England was as little defensible. Lord Cornbury, the governor of New York, was invested with the command of the colonial militia, though the charter had invested this power in the corporation; though that pretension had been solemnly relinquished during the late reign. When the Quakers complained of an act of assembly, which, though enacted against *heretics*, was levelled chiefly at their prejudices, the queen repealed it, "because it had been passed contrary to the charter and to the toleration-act." Yet Sir Philip Yorke and Mr. Talbot gave it as their opinion, in August, 1732; "that, as to how far the king may dissent to the acts of assembly, since there is no power reserved by the charter, the crown hath no discretionary power to repeal laws made in Connecticut and Rhode Island; but their validity depends upon their being reasonable, and agreeable to the laws of England, regard being had to the constitution of the place and people; and when these conditions are observed, the law is binding, otherwise it is not." The dissent of the queen, thus illegally exercised, was little regarded, though persecution was at length suspended, when it was perceived how much it endangered the patent. Those corporations neither corresponded regularly with the ministers, nor transmitted their laws for revision, since their privileges had placed them beyond control. Having searched in vain for a common remedy for singular disorders, Sir Edward Northey advised, in 1711, that an act of Parliament was neces-

sary and ought to be obtained. Irregularities however continued, notwithstanding subsequent complaints, when it was perceived that redress could not be easily found.

To those practices, at once characteristic and illicit, to those accusations, offensive and often repeated, it was owing, that a consideration of the affairs of the chartered colonies had been resumed during every administration, though without success. In December, 1705, the Privy Council directed the Board of Trade "to lay before the queen the misfeasances of the proprietries, and the advantages that may arise by reducing them." The Board complied with a promptitude that showed they wished for opportunity. And they represented, in the strongest language, the original defects of the chartered forms; the independence on the government of England, which had been long affected; the consequent opposition to the just prerogative of the crown; and the impossibility, during this state of weakness, of executing acts of Parliament among a people, who scarcely admitted their validity. They recommended that these difficulties, and the cause of them, should be submitted to the consideration of the supreme legislature as the only power; whose wisdom was equal to the arduous task of reforming the defective jurisprudence of provincials, so dissimilar in principles and in conduct; whose authority was alone able to give a tone to enfeebled systems, so inconvenient at present, so dangerous in prospect. And in February, 1706, a bill was brought in by the Commons, "for the better regulation of the charter governments and for the encouragement of the trade of the plantations." Owing, however, to former causes, this unsupported effort failed like the preceding in the House of Lords; but more to a difference of

opinion among the ministers themselves, with regard to the extent of the offered remedy; some contending for an effectual cure and others insisting for palliatives. Roused by reiterated complaints, the Peers, two years after, required the Board of Trade to lay before them "the charges against the proprietary governments." But that wretched spirit of procrastination and expedient, so characteristic of the colonial administration of England, again interposed; and repressed energy, when absolute reformation demanded the greatest exertion.

From proposals of reform, the minds of the ministers were drawn to less salutary but more splendid projects of conquest. The invasion of Canada had been so often solicited by Massachusetts and New York, as a measure "which would forever put those provinces in a perfect repose;" the weakness of that hated neighbor was so anxiously urged by Vetch, who had acquired a minute knowledge of its affairs, by carrying on an illicit traffic with its people, that it was determined, in the beginning of the year 1709, "to drive the French from North America." In prosecution of a measure, which was deemed in those days equally for the interest of England and for her colonies' advantage, it was proposed to conquer Quebec from the sea, while an army should attack Montreal by land; to send three thousand troops under Lord Shannon from England, who, when reinforced by twelve hundred soldiers from Massachusetts, Rhode Island, and New Hampshire, was to enter the river St. Lawrence; to engage New York, Connecticut, and New Jersey, to raise fifteen hundred men, who might penetrate by the pass of Lake Champlain. While the nation thus meditated to send a powerful fleet to her

transatlantic settlements, the Parliament exempted * the colonial seamen from the service of their country ; thus unnerving the arm of the state, in the moment that a decisive blow was aimed at the resources of the enemy. And, during that anxious solicitation, the colonists were again put in remembrance, "that they carried on an illegal trade, by means of flags of truce," which supplied the common foes of both with what influenced animosity and invigorated perseverance.

Vetch, who was intrusted with command in a warfare that he had successfully urged, brought the more northern plantations the welcome tidings of the proposed expedition, in April, 1709. Massachusetts, Rhode Island, and New Hampshire easily raised their appointed quotas, because they could even then muster fifteen thousand militia, and their assemblies were for once really in earnest. The English fleet was wishfully looked for at Boston till October, when Dudley was informed, by Lord Sunderland, that the affairs of Europe had diverted the American armament to a more interesting object. In prosecution of the other part of that complicated plan, a little army, composed of the four standing companies in the pay of England ; of the quotas of New York, Connecticut, and Jerseys ; of six hundred Indians ; marched from Albany, towards the entrance of Canada, in June, under the command of Nicholson ; who was chosen general by the contributory assemblies, because they had been inflamed by his zeal and gained by his attentions. As much seems to have been performed as could have been expected from an inconsiderable body of troops, hastily formed of such dissimilar people. When it was known that the English fleet was no longer expected, the provin-

* By VI. Anne, ch. 37.

cials retired towards their frontiers, diminished in numbers and discontented in spirit. It was not foreseen how few projects ever succeed wherein the coöperation of many is requisite; and thus the loss of the battle of Almanza was felt beyond the Atlantic.

When Massachusetts perceived that the meditated design on Canada had failed, she proposed to employ the embodied troops in the conquest of Port-Royal; as the recent incursions of the Acadian Indians had convinced her how much its neighborhood had disturbed her quiet. When the captains of the royal frigates, stationed to protect her trade, refused to convoy the armament, because they had been ordered on other service, the assembly "desired the governor to discharge the transports and disband the men." Both houses joined in an address of thanks to Nicholson for his late conduct, since they hoped for much from his representations in England. They begged him to lay before the queen their distressed circumstances, and their hopes that she would send "a force next spring for the reduction of Port-Royal, which will be of great advantage to these provinces, and which we are so impoverished by the war as to be unable to effect." And the ardent solicitations of Nicholson proved successful. The ministers determined to gratify the desires of the assemblies, since their irresolution or entanglements had put the provinces during the preceding year to an expense, fruitless beyond expectation, and great beyond example.

As hostilities became expensive, in proportion as the glories of England were extended by fighting the unproductive battles of her allies, the Commons once more looked into the colonies for objects of taxation. And an act* was passed, in 1710, "for erecting

*IX. Anne, ch. 10.

a general post-office in all her majesty's dominions, and for settling a weekly sum out of it for the service of the war and other occasions." It established a chief office at New York, to which the packets were directed; it regulated the rates of postage to be paid in the plantations; it exempted the posts from ferriage; and it enabled the officers to recover the duties by summary process. So early indeed as February, 1692, William had appointed Neal his postmaster of the northern settlements, whom he empowered to establish posts and to regulate the rates; because that monarch and his ministers thought they could do that lawfully in the plantations, which they could not perform in England. Though Neal's apparent powers were ample, his real authority was supposed to be little. He applied without success to the assembly of Massachusetts to invigorate his commission, by compelling every one to pay what equity said the carriage of the letter was worth. Having made a similar application to the legislature of New York since he had met with similar obstructions, they passed, in November, 1692, "an act for encouraging a post-office," which was continued by temporary renewals, till the late act of Parliament suspended their efficacy. And, with the same design, laws seem to have been passed by other territorial jurisdictions, during the same period of weakness. The general post-office was at length erected at New York, under the authority of the supreme legislature, and the posts were sent into New England on the north and to Jersey and Pennsylvania on the south. If their introduction into Massachusetts was not directly opposed, because she was then too much engaged in foreign warfare, their profit was somewhat diminished by the depreciation of her current money. The postmaster-general soon complained to the lord-treasurer "of the loss which *that branch of*

her majesty's revenue in North America is like to suffer, by the currency of paper bills." The Board of Trade, in answer to the ministers' direction "to take into consideration the queen's income in general," reported in May, 1713, "that since the act of Parliament had established the rates in sterling, such a loss to *the revenue of the posts* might be prevented, by receiving payment as formerly." It was not, however, till the year 1718, that the posts were introduced into Virginia and Maryland, in the same manner as they had been formerly established in the more northern provinces, which carried on a wider correspondence, because they were blessed with a greater traffic. Clamor instantly propagated objections to the principle of the act of Parliament as unconstitutional, and to the practice of the post-office as inconvenient. Spotswood wrote to the Board of Trade, in June, 1718; "The people were made to believe, that the Parliament could not lay any tax (*for so they call the rates of postage*) on them, without the consent of the general assembly. This gave a handle for framing some grievances against the new office; and thereupon a bill was passed by both council and burgesses, which, though it acknowledged the act of Parliament to be in force in Virginia, doth effectually prevent its ever being put in execution; whence your lordships may judge how well affected the major part of the assemblymen are towards the collection of *this branch of his majesty's revenue*." Thus was the post-office erected in the colonies; thus were the rates of postage considered as a tax; and thus were the duties deemed "a branch of revenue," which was appropriated by the Commons for carrying on the war.

Meanwhile, as the necessary forces could not be withdrawn from European hostilities to conquer Canada, while the influence of Marlborough continued, it

was resolved, in March, 1710, to send five hundred marines and two ships of war to attack Port-Royal. Nicholson and Vetch, the projectors of the expedition, were naturally appointed the commanders. And a prosperous voyage carried the armament safe to Boston, by the middle of July. The troops from England were joined, in September, by two regiments from Massachusetts, one from Connecticut, and a fourth from New Hampshire. Having arrived without accident before the object of their destination, Nicholson claimed the citadel and the circumjacent country as of right belonging to his mistress. But it was at present found more easy to subdue Acadia by force, than it was in after times discovered to establish the validity of his pretensions by disquisition. And Subercase surrendered Port-Royal by an honorable capitulation, when the usual military ceremonies gave him a pretence. It now appeared that the instructions, which had been given to the general, did little honor to his employers' talents as ministers and less credit to their spirit as men. They directed him to gain possession of the fortress alone, but they delivered over the colonists to rapine. The miserable people endeavored in vain to derive protection from submission, by offering to take the oaths of allegiance to the queen. The conquerors proposed "to remove them from their country unless they would turn protestants;" thus provoking by a despicable persecution their enmity, while their affections should have been conciliated by every mode of concession. Imprudence generally brings with it its own punishment. The moment Vetch was left to retain possession of their petty conquest with four hundred men, he found himself invested by the Acadians and their Indian allies. While the colonies rejoiced that this American Dunkirk was removed from their

coasts; while the commanders announced the supposed advantages of the acquisition and claimed honorable reward, England had the mortification to find, that she had only gained additional expense. Of this nation it has ever been the unhappy lot, that, as she acquires foreign dominion, she deducts something from her strength, without adding one penny to her revenue; as she ranks distant subjects among her people she increases her embarrassments, by provoking their resistance. Massachusetts had scarcely ceased to rejoice for the capture of Port-Royal, when she resolved "that the provincials remaining in garrison must be considered as volunteers in the queen's pay." When Vetch transmitted this resolution to the secretary of state, he begged that his mistress might be persuaded "to pay the troops and allow them subsistence." When that commander's bills for seven thousand seven hundred pounds were presented, in August, 1711, the lord-treasurer applied without success to the Board of Trade, "to know whether there be not money of her majesty's revenue in that country to pay them, since none had been granted by Parliament."

At the same time that the colonies thanked the queen for the reduction of Port-Royal, they continued to solicit her "to send once more a fleet to attack Quebec the next year, since its conquest was essential to their quiet." In January, 1711, Dummer presented a memorial in the name of Massachusetts, begging that princess, "in compassion to her plantations, to send an armament against Canada; and, in order to ease the charge of the crown, not only that province, but other colonies, even Virginia, will aid." The new ministers immediately resolved to comply with repeated requests, which bade fair to promote the national advantage and their own glory. St. John himself

"undertook the management of the expedition." And General Hill, owing to his connections no less than to his merit, was appointed to command an army, from which much was expected, because the hope of the nation was high. The plan of their predecessors was literally adopted, since it was dictated by the natural situation of the country to be attacked, and of the provinces which were to lend their aid. Though several veteran regiments were withdrawn from glorious but unproductive warfare in Germany, so punctually were orders obeyed, because every one was really in earnest, that the fleet safely arrived at Boston on the 24th of June, 1711. When the western Christians first visited Constantinople on their way to rescue the holy city, their religion, their manners, and their reasonings, did not appear in a more striking light to the Greeks than did those of the New-English to the British officers.* Nothing can be more contradictory than the accounts that have been delivered of the civil and military transactions while the armament continued at Boston, because the prejudices of both parties were strong. The historian of Massachusetts assures us, "that not only the government, but even private men exerted themselves with more zeal and vigor than had been done upon any other occasion." The commanders by sea and land informed their employers, before

* Colonel Richard King, thus described to Secretary St. John, in a letter from Boston, of the 25th of July, 1711, what he saw and felt. "We have met with great difficulties, through the misfortune that the colonies were not informed of our coming two months sooner, and through *the interestedness, the ill-nature, and sourness of these people, whose hypocrisy and canting are insupportable*. And no man living, but one of General Hill's good sense and good nature, could have managed with that patience and dexterity that he has done. But, if such a man met with nothing he could depend on, though vested with the queen's royal authority, and supported by a number of troops, [3500 Veterans,] sufficient to reduce by force all the colonies, it is easy to determine the respect and obedience her majesty may reasonably expect from them for the future." The acrimony of King arose from his conviction, that the New-English designed to defeat the expedition, wherein he bore so respectable a command.

failure could have induced them to look for excuses in the neglects of others, "that all had been done with indolence and indifference, with a thousand scruples and delays, otherwise they might have sailed from hence a fortnight sooner, had the government made that despatch that they might have done." It is only by attending to minute circumstances, which are no longer interesting, since they furnish no party with arguments, that the truth can be found.

When the general was at length joined by the New-English troops, he resolved, in the height of his zeal, "to make the best of his way to Canada, choosing rather to leave the future supply of provisions to Providence, and to the care of Governor Hunter, than be a day too late." On the thirtieth of July he sailed for Quebec, perfectly satisfied, "that nothing could defeat his purpose, but storms, contrary winds, or the difficult navigation of the river St. Lawrence." Hill was convinced, from what he saw, how fruitless it was to expect any coöperation from Nicholson's efforts on the side of Montreal. And he adopted the judicious expedient of detaching one hundred soldiers, with three hundred Indians, under Livingston, a zealous officer, acquainted with the country, to draw the attention of the Canadians to Lake Champlain, while he should approach their capital from the sea. A favorable gale carried the fleet meanwhile into the river St. Lawrence. A storm blasted the well-founded hopes of the commanders, and disappointed the expectation of the colonies and the nation. The naval officers determined on the impossibility of gaining now the object of their voyage, since the navigation was not familiar. All resolved to return to England, without attempting any exploit that could palliate disappointment, since their provisions were scanty. The failure

of the attack on Canada can be justly attributed to nothing but accident. The determination to leave Newfoundland unmolested, notwithstanding their instructions, was owing to their dread of famine, since a regard to safety forbade them to trust again to the zealous exertions of Hunter, but more to the original imprudence of the ministers, in relying too much on the promises of projectors, always vehement. Though human foresight and effort are in vain opposed to the fury of the tempest, much mischief would have probably been prevented, had Walker's fleet been completely furnished with mariners; but desertion had been encouraged at Boston, and the loss of his sailors he could not supply, since an act of Parliament had lately prohibited pressing, and the wages of seamen were high.

As the general found it impossible to acquire any new dominion for his country, he wisely endeavored to secure what had lately been gained by others. He sent a considerable reinforcement to Port-Royal, which had been invested by the Acadians, who, when their allegiance was contemptuously refused, swore perpetual enmity against their persecutors. The late disaster was scarcely known, when the French and Indians made an incursion into the frontiers of New York and New England, which, like all former invasions, inspired temporary terror, without making any lasting impression. Yet they put the various assemblies in remembrance to thank the queen for the late expedition; for the clothes and arms which her bounty had given to their troops; and to pray for a renovation of a similar attack on Canada in the subsequent year; but to be relieved from quotas, that they were no longer able to furnish. When the colonies begged for additional supplies of warlike stores, as they thought themselves re-

duced by a war of unexampled expense, they did not reflect that England had been equally impoverished by extraordinary efforts.

To no purpose their agents pressed those measures on ministers, who were only studious how to give peace to their country, which had been too long engaged in a war, glorious but disadvantageous, expensive yet unprofitable. The defects of the pacification of Ryswick had been so often represented, since they had been so often felt, that they seem to have dictated the colonial conduct of England at the treaty of Utrecht. By it the Acadians and their country, according to its ancient limits, were confirmed to Britain. The five confederated cantons of Indians were declared to be English subjects and their extensive hunting-grounds to be English territory. The rights of fishing, which had lately given rise to dispute, were regulated. The desert around Hudson's Bay was restored. And Newfoundland was ceded, but Cape Breton was left to France. The regulation of boundaries, which everywhere furnishes a fruitful topic for contest, was unwisely left to the settlement of commissaries; without reflecting, that, when hostilities have ceased, unwilling concession can only be compelled by the renewal of warfare.

When peace was announced, amid a thousand causes of dissatisfaction, England discovered, that, though she had gained distant dominions, by adding almost fifty millions to her debts, though she had given to her plantations greater security, she had subjected herself to additional burdens, without procuring one new resource. It is on such occasions that a people should vow never to go to war, except when compelled by necessity. "How to prevent the loss which the queen's revenue, in North America, suffered by the currency

of paper bills," had already engaged the deliberation of English statesmen. In June, 1713, "the lord-treasurer, foreseeing that great expense will arise to this kingdom by the large supplies of stores demanded for the colonies, desired the Board of Trade to consider, how they may be made to supply themselves;" thinking it but just, that, since requested aid had been given them during the embarrassments of the war, they ought to sustain part of the accumulated load of the peace; that, having gained safety from annexed territory and benefit from regulated fishery, they ought to contribute to the revenue that was to defend both. But faction disabled the national councils from forming any adequate plan of policy for the alleviation of the nation's distress, by the assistance of her transatlantic subjects.*

When it was no longer the interest of France to give aid or instructions to the eastern tribes, they begged forgiveness of the New-English, whom they had too long harassed by their barbarous inroads. In July, 1713, Dudley accepted of their submission as subjects on the usual terms of Indian treaties; of present amity and future obedience. During the war of Anne, Massachusetts, of all the plantations, made the greatest exertions, and was able to make them, owing to her superior populousness and energy. Though her expenses were beyond example, they little interrupted the pursuits of her people, because they were chiefly defrayed by a mode of borrowing peculiar to the colonies; by issuing paper bills as emergencies arose.

* The following detail of the charge of ships of war, stationed for the protection of the colonies alone, shows what must have been the expense of the war.

1708, . .	£445,060
1709, . .	425,020
1710, . .	450,520
Including £121,600 for the Canada expedition, 1711, . .	613,620
	£1,934,240

And she contracted no debts of lasting incumbrance any more than the other settlements, which had been still less engaged in the contest. Her ignorance of the principles of credit and finance alone involved her in difficulties. Before the conclusion of the war so much paper had been thrown into circulation, beyond what commerce demanded, "that gold and silver were entirely banished;" that the depreciation had affected the parliamentary revenue and the interests of merchants; and orders were transmitted to the governor, in 1713, "to pass no law by which bills of credit should be circulated unless a fund were provided for their liquidation." Yet, in the beginning of the subsequent year, fifty thousand pounds of that worst species of money were given to traffic, not for the payment of public debts, but in order "to enliven trade." Contrary to the practice of England, the body politic lent those bills to the individual at an interest of five in the hundred, on condition of repaying annually one fifth of the principal. The party contests of England, at the peace of Utrecht, were not more violent and pernicious than the interested disputes which animated this province at the same period with regard to paper currency, the baneful consequences of which were sometimes deplored, as they were often felt.

CHAPTER VI.

NEW YORK.—Its Condition when Lord Cornbury arrives as Governor.—His Policy.—Salary for Officers.—Grant for the Defence of the Province.—The Assembly controls Supplies.—They will not allow the Council to amend Money Bills.—Warlike Stores and Recruits from England.—Prosecutions for preaching without a Bishop's Authority.—Animating Resolutions of the Delegates.—Recall of Cornbury.—Lord Lovelace.—Ingoldsby, the Lieutenant-Governor.—Part taken in the Canada Expedition of 1709.—First Paper Bills.—Arrival of Governor Hunter, with Palatines.—Revolt of the Palatines.—Hunter renews the Covenant with the Five Nations.—His Disappointment with the Assembly of 1710.—Their Expulsion of Morris.—Salary Question.—Unsuccessful Appeal to the Assembly of April, 1711.—French Attempt to fortify Onondago.—Measures for the Canada Expedition.—Claims set up by the Assembly of August, 1711.—The Governor transmits the Result of his Observations to the Board of Trade.—Representations by the Board to the Queen and Secretaries of State.—Measures for reclaiming the Colonists.—The Colony threatened by the Board of Trade.—The Effect thereof on the Assembly.—Information sent to England by the Governor and by the Delegates.—Further Attempts to establish a Revenue in the Province.—Appeals through the Press respecting a Revenue.—Provision made by the Assembly of 1713;—Of 1714.—Law for discharging Debts.—Enforcement of Paper Currency.—Comotions of the Five Nations.—Growth of the Colony.

LORD Cornbury, who, though illiterate, frivolous, and poor, had been sent to rule New York and New Jersey by William, was continued governor of both by Anne. Owing to the vehemence of Bellomont and Nanfan, he found New York involved in a debt of eight thousand pounds, the principal merchants in banishment, the frontiers defenceless, the Indian allies debauched, the fortifications mouldering into dust, and the king's troops without clothes or accoutrements. During this state of wretchedness, he informed the

ministers of England, "that the other colonies will not contribute to the support of New York till they are compelled by act of Parliament; and, till the proprieties are brought under the queen's government, they will be detrimental to the other settlements." Nothing but harmony prevailed in the assembly, which for the first time he convened in October, 1702. Though he professed to join no party, he put himself at the head of those who had been oppressed during the late administration, and who through his influence had now acquired votes in the legislature. The delegates gave him a gratuity of two thousand pounds, which was confirmed by the queen; who, in the subsequent year, augmented his salary of £600 to £1200, that temporary presents might be no more necessary. For the defence of a province, which derived its security more from the singular policy of France than from its own exertions, they granted eighteen hundred pounds for five months' maintenance of one hundred and fifty fusileers. Having endeavored by additional regulations to render the military force more useful during a year, Cornbury was induced to recommend, "that an act of Parliament should be passed for the establishment of a well-appointed militia every where." And, what was of still greater importance to a needy governor, they continued the revenue for the support of officers till May, 1709.

The hopes which Cornbury entertained at the conclusion of the session, "that the delegates would continue to do their duty," seem not to have been altogether ill-founded. Though in the subsequent year they granted eighteen hundred pounds for raising batteries for the defence of their metropolis, yet they showed by their conduct the peculiar principles by

which many of the members were animated. From the session of April, 1703, they conceived the policy which they soon carried into execution, because it was easy to give a denial, of assuming to themselves all authority, by means of their power over the public supplies. And the governor was induced by what he had already seen to inform the Board of Trade, in June, 1703; "that all these colonies are possessed with an opinion that their assemblies ought to have all the same privileges which a house of commons has; but how dangerous this I need not say." When a threatened irruption from Canada made it necessary to convene the legislature in the subsequent year, the delegates carried into practice their avowed maxims. They passed an act for the defence of the frontiers. But, having appropriated the proposed supply, as they suspected recent embezzlements; having appointed the mode of raising and marching the troops, since they wished to gain additional influence; these uncommon clauses were rescinded by the counsellors as contrary to a royal instruction, requiring all taxes to be granted to the crown; and as inconsistent with the prerogative of commanding the military force. The delegates instantly determined, "that it was inconvenient to allow the council to amend money bills." In vain the Board of Trade declared in favor of the counsellors' power, since they formed equally an essential branch of the legislature. The argument of their opponents, "that, unless they were permitted to grant supplies on their own terms, they would grant none," was so decisive on every occasion as to raise their authority beyond control. Cornbury procured, by his solicitations from his sovereign, what the assembly had denied in the midst of their disputes, warlike stores, presents for the five confederated tribes, and recruits for the four regular

companies, whom England maintained for the defence of a province, turbulent in proportion to its weakness.

It was owing to a controversy, proceeding from causes already explained, that several sessions passed away in altercation, and ended in dissolution, though experience had shown how little that measure was calculated to subdue those whom he could not conciliate. The prerogative was degraded by a prosecution, in June, 1707 which involved that nobleman in general hatred, because he had executed his orders imprudently. M'Kemie and Hampton, having preached at New York without a bishop's authority, because they claimed this privilege as a right, were prosecuted by information, for acting contrary to the toleration act. And a jury confirmed their pretensions after a well-debated trial, showing at the same time their zeal, by denying a special verdict to the direction of the court. History has branded Lord Cornbury as a bigot, because she knew not that he had been reduced to the dilemma of either breaking his trust or incurring the imputation. From the Restoration to the present times has been given to colonial governors a royal instruction "to allow no one to preach without a license from a bishop," because it has at no time been clearly seen, what supremacy a king of England possessed in the plantations; nor was it perceived how much just power is weakened, by imposing injunctions that cannot be executed or even defended.

During the ferment occasioned by a trial of popular expectation, that nobleman was constrained to dissolve a body of delegates, who refused to meet him in assembly; because they insisted that a prorogation during his residence in Jersey operated as a dissolution. And the first resolves of the new representatives evince that they were animated in a high degree by

the passions of their constituents. In August, 1708, they resolved, "that the appointing of coroners, otherwise than by the choice of the people, is contrary to law; that it always has been the unquestionable right of every freeman, that he hath an entire property in his estate; that the levying of money upon her majesty's subjects in this colony, under any pretence whatsoever, without consent in general assembly, is a grievance; that the erecting of a court of equity, without consent of the general assembly, is contrary to law and of dangerous consequence to liberty; that the compelling of any man upon trial by a jury to pay any fees for his prosecution is a great grievance." To these abstract propositions of English jurisprudence may be however opposed the opinions of jurists, who have conferred celebrity on England; of Northey, Harcourt, Raymond, Yorke, Wearg, and Talbot. Yet it is a singular fact in colonial annals, that the delegates have never adopted a political tenet, however inconsistent with the analogy of the territorial constitutions or contrary to the greatest authorities, which they have not finally established either by force or cunning; partly owing to the influence that the granting of money gave them, but more to the continued futility of English statesmen, who did not maintain the laws of their country either by address or power. The assembly of 1708, while they expressed their contempt for a governor, who was indeed unworthy of his station, were not altogether inattentive to their own safety. They revived the militia act for one year more, without annexing a penalty to disobedience. And they raised a fund of twelve hundred pounds "for defence of the frontiers, and for presents to the Five Nations," who, during the present reign, had been too much neglected, since the forbearance of Canada gave security to the

extended settlements of New York. That nobleman meantime owed his recall to private complaints rather than to public accusation; in October, 1707, the Board of Trade represented to the queen, "that, with regard to the seizure of a merchant's ship, he had acted illegally and merited her censure." But, above all, Morris, who for half a century acted so conspicuous a part in the political drama of New York and New Jersey, informed Lord Sunderland, the secretary of state, "of his vices and misconduct; that the revenue at New York is near falling, which will certainly be the case, if some one else be not sent in Lord Cornbury's stead."

His successor, Lord Lovelace, lived not to feel the mortification of popular contest or the misery of dependent greatness. Ingoldsby, the lieutenant-governor, ruled the province, when orders arrived from England to coöperate in the expedition against Canada, in 1709. Though the happy prospect of expelling the French from their vicinity seems to have roused the colonies from their lethargy, yet those of the South were said "not to match the zeal of New England; interest, that governs the world, tyrannizes at New York." This province was divided into two parties with regard to the propriety of the proposed attack; the merchants and inhabitants of Albany opposed it, because they had long carried on a gainful traffic with Canada; the planters promoted what promised them present security and future benefit. During this state of the minds of men, Ingoldsby procured the concurrence of the assembly by acting himself only the unimportant part of communicating the secretary of state's dispatch; of permitting the council and delegates to direct in all things. A committee of both executed the royal prerogative of appointing the military officers. Four commissioners, nominated by an act of the legislature,

attended the army, "for managing the expedition in relation to the procuring of necessary supplies." And, being thus allowed to govern herself, New York exerted an energy of which there had been hitherto in her annals no example. She not only raised almost five hundred men as her quota, but she seems to have furnished provisions for the armament that was to attack Montreal by the lake Champlain. When it was known that no fleet would arrive from England, the general discontent was equal to the greatness of recent expectations. In the height of their chagrin, the assembly directed Ingoldsby "to recall their forces from the camp;" without reflecting that a hasty retreat would necessarily provoke that invasion of the French, which they had lately delayed, because they feared the resentment of the Five Nations. It was on this occasion that paper bills of credit were first introduced into the policy and commerce of this province, "in order to pay the debt of the expedition to Canada and for other uses." The delegates not only did all that could be expected of them for gaining an object which had their own good for its end, but they passed an act "for defraying the charge of the colony;" appropriating the money, however, to such uses as should be directed by the assembly. And Ingoldsby, having lately felt the mortification of parsimonious appointments, lamented, to the Board of Trade, the bad consequences "of their reducing the fees of officers to nothing."

In September, 1709, Hunter, a statesman, a soldier, and a scholar, was appointed governor of New York and New Jersey. He was warned by the ministers of what he was directed to prevent; "that an illegal trade was still carried on between New York and the Dutch islands, whereby the French were supplied with provi-

sions." Of the multitude of palatines who then sought an asylum in England, because they were unhappy at home, it was resolved to send three thousand with Hunter, in order partly to add to the population of his province, but more to promote the culture of naval stores, which was then the predominant passion of England. The Parliament granted ten thousand pounds for their transportation and future subsistence. The refugees entered into formal articles to serve the queen, "as grateful servants," in the cultivation of tar, under the royal directions, till their labor should reimburse the expense of their settlement. And that ardent officer departed full of hopes "of accomplishing this great design." These freemen had not foreseen, that, as they had freely descended to a state of humiliating servitude, they had subjected themselves to the restraint necessarily annexed to it. And they were scarcely settled on the banks of Hudson's river, when dissatisfaction promoted discontent, which easily finds pretences. "The country people were perceived to have put this spirit into them, because they hoped to gain from it." The palatines, having drawn their swords against their benefactors, because unreasonable expectations were not fulfilled, formally took the field, in order to gain by force, what had been denied to entreaty. Hunter met them with the militia; and easily obliged them to deliver up the arms, of which they had shown themselves unworthy. While he reproached them with ingratitude, and compelled them to perform their stipulations, he convinced them, by his kindness, that he could pity the unfortunate, who are often misled. Their subsistence, for several years, cost England twenty thousand pounds, without yielding by their labor a penny. They only became beneficial to the province, when they

were directed to maintain themselves, by following, as freemen, their own pursuits, since all hopes, from "this great scheme of wealth to the nation," had vanished, like other projects of temporary renown.

Finding it a more difficult task to reconcile men to one another, Hunter delayed calling the assembly "till their minds had cooled." He, in the mean time, renewed the covenant of friendship with the five confederated tribes, discouraging an attempt of New England to engage them in hostility against her Indian foes, because it had destroyed a neutrality with Canada, that had proved, during the war, so advantageous to his province. In September, 1710, he met an assembly from which he expected much, because he relied not only on his own talents, but more on the abilities of a few friends, who had secured their elections. With unusual confidence he recommended the settling of a revenue, the protection of the frontiers, the restoration of public credit, the forgetfulness of former piques. The complaisance of their answer promised a fruitful session. But Morris, whose suggestions had chiefly promoted Lord Cornbury's recall, recommending too warmly a permanent salary for the governor, was expelled, because he gave offence to members, who were incited by extreme jealousy. And the late disputes with regard to the amendment of money bills again imbittered public proceedings. Yet they finally granted a small sum for the subsistence of the chief magistrate during a year, and made petty provision for the defence of the province. Hunter informed the ministers of the pretended and real causes of the unexpected conduct of the delegates, which he thought the more extraordinary, because the queen expended annually twenty thousand pounds in maintaining troops and ships for their security. And while he gave notice

that they would always prove refractory, since it is popular to save money, he recommended the imposition of various duties by act of Parliament, as the only means to free the government from the caprice of an assembly. Urged by his representations, the Board of Trade stated to the queen, in February, 1711, the conduct of both parties. They advised, that the governor should be directed to inform the assembly of her undoubted right to appoint salaries; of her displeasure at their recent neglect; of her expectation that they would provide an effectual revenue; and, in order to insure their submission, the Board suggested, "that their refusal will give a just occasion to the passing of an act of Parliament for granting the like income to arise there." That princess directed the Board to draw such a bill to be laid before the Commons. In March, 1711, Sir Edward Northey and Sir Robert Raymond approved of "an act for granting a revenue by Parliament to arise in New York;" reciting the refusal of the assembly, though four companies of soldiers and ships of war had been sent for the defence of the colony. Yet the Parliament was prorogued before a measure, thus solemnly advised and approved, could be submitted to their judgment.

Before Hunter heard of these proceedings, vigorous, because they seemed to be sincere, he again called the assembly, in April, 1711, with his former design. Having urged his recent requests with greater earnestness he reduced the delegates to the dilemma of either granting or refusing them. But in his own conduct they found an admirable expedient when they looked for it. The speaker informed him, that, considering themselves as dissolved by his prorogation, during his residence in the Jerseys, "they had resolved to go home." In his turn he was left no choice but to dis-

solve them, though he knew "that the same men would be sent back with greater fury." While the governor represented, "that the public officers were starving, that the forts on the frontiers were in ruins, that the Canadians daily threaten the province, and there was neither a revenue nor credit;" he assured the ministers, "that the delegates were resolved to put themselves on a foot with the charter governments, and no measures can be taken here to prevent it." Reduced thus to the necessity of supporting his administration by his own powers, he begged "that his salary, and other smaller expenses, might be paid out of money in the collector's hands." But the Board of Trade answered him, in language which shows the policy of the reign of Anne, "that his request could not be granted, since all duties levied in the colonies, by virtue of the act encouraging trade in America, is appropriated as a fund for loans." *

The present neutrality with Canada gave the French an opportunity, which they improved with their usual address, of corrupting the fidelity of the ancient allies of New York. By means of their flatteries, but more by their presents, they obtained permission to build a fortification at Onondaga, the metropolis of the five confederated tribes. And Hunter hastened from the assembly to exert his singular talents to reclaim the disaffected and to confirm the wavering. While engaged in this delicate business, which was the more arduous because he was unsupported with money, which he successfully executed more by the superior influence of Schuyler than his own, he received official notice of the intended conquest of Canada. Pleased with a project that promised them present gratification

* By VI. Anne, ch. 37, duties were imposed on prize goods imported into the colonies, and applied as mentioned in the text.

and future safety, the new assembly coöperated with the governor, since he indulged their spirit. They issued ten thousand pounds, in paper bills, to be redeemed after the termination of the war, for supporting their quota of troops, which they complained of as disproportionate; for bringing into the field their Indian allies, whose fidelity had been shaken. They did not, however, trust the governor with the disposal of the money, which had augmented his influence, but invested commissioners with the power of expenditure, in order to strengthen their own authority. They thanked the queen not only for the blessings enjoyed under her glorious reign, for the stores of war lately sent them, but for the present expedition; which they would cheerfully promote, though their extreme poverty obstructed their inclination. They took this opportunity to offer to the royal consideration, in hyperbolical language, how much they had been exhausted by their exertions during the last and present contest with France, and the exorbitant charges for the ordinary support of government; that, owing to their many hardships, trade decayed, lands fell in their value, and the most industrious subjects emigrated to other colonies, which enjoyed greater ease. They insisted, that these disadvantages must proceed from sinister representations, made to their prejudice, for want of a person authorized to act for them at her majesty's court. Nicholson, their former general, led towards Lake Champlain three and twenty hundred men, composed of the regular troops, of the quotas of the Jerseys, of New York, of Connecticut, and eight hundred Indians. With whatever spirits he undertook his enterprise, he seems to have performed less now than he had done two years before, because a mixed army, hastily collected, might amuse, but could not conquer. When he

heard of the sad disaster of the coöperating armament, he retired with diminished numbers to Albany, owing to fatigues which none but veterans can sustain. And his arrival inspired the inhabitants with terror, since they were now told, that the whole force of Canada was drawn to Lake Champlain, ready to invade them. Their dismay ceased when they found that their frontiers were only infested by hunters, whose feeble attacks were easily repelled by woodsmen of superior address and courage.

The threatened danger induced Hunter to call the assembly in August, 1711. The governor urged them in vain to continue the troops in pay during the subsequent winter, to repair the fortifications on the side of Canada. In order to discharge the debts of the unfortunate expedition, and to make adequate provision for the support of their internal government, the delegates framed bills of a texture which they probably foresaw would not be approved. By amending what they deemed unconstitutional and unjust, the council revived former altercations with regard to, the respective powers of the component parts of the legislature. In support of their conduct, the counsellors insisted, that they formed, equally with the delegates, an essential portion of the assembly, from the provincial constitution; that their recent proceedings were justified by former precedents, which had been confirmed by the favorable decision of the Board of Trade. Their opponents doubted, "if they had even any power of legislation, since they formed no distinct rank in the province, and derived their little importance from the mere pleasure of the prince; but the inherent right of the delegates to dispose of money, they urged, proceeds from no grant of the crown, but from the free choice of the people, who ought not to be divested of their property

without their consent; nor ought precedents and the opinion of the Board to weigh against unalienable privileges." While public proceedings were thus interrupted by perplexing contests, the real object of the present session was neglected, though a trivial sum was procured by the governor's friends for his present subsistence. Having, in this manner, whiled away a long session, the delegates "very fairly adjourned themselves from the twenty-fourth of November till the first Thursday in April."

The great sagacity of Hunter enabled him to penetrate the present designs of men, and to foresee the future effects of their political reasonings and their consequent conduct. He had carefully marked the proceedings of other assemblies, because his attention had been drawn to them by Secretary St. John, who asked him "to consider of the whole state of the British interest in those parts." And he transmitted to the ministers of England, in 1711, the result of his observations, which evinced equally "the bad state" of the colonial systems and his own abilities. He put them in remembrance, of what had formerly been foretold, "that the colonies were then infants, sucking their mother's breasts, but such as would wean themselves when they came of age; in their infancy, the crown was lavish of privileges, as necessary for their nursing, but a full-grown boy makes commonly an indifferent use of the indulgence requisite towards a child. If it is expected, that the colonies, now they are grown up, should be a help and of some use to the parent country, there is an evident necessity of an uniformity in their governments." He assured them, "that the various and dissonant models in the charter and proprietary settlements are apparently the spring which moves most of the perplexities in most of the provinces, since

each conceives that their neighbors are better while upon another foot. Yet, the purchasing of proprietary rights and the taking away of usurpations, would be a work of time and trouble; and, should these governments be continued on the foot they now stand, her majesty will pay dear for much trouble and no dominion; yet such is the plan they all aim at and make no scruple to own, that the delegates, claiming all the privileges of a house of commons, and stretching them even beyond what they were ever imagined to be there, should the council by the same rule lay claim to the rights of a house of peers, here is a body coördinate with, claiming equal powers, and consequently independent of the great council of the realm." And he ventured to affirm, "that, unless some speedy and effectual remedy be applied, the queen will have no government, and the disease will become desperate;" giving warning, at the same time, "that, if he was not mistaken, they are flattered by some at home with the hopes of obliging the crown to that concession by their undutiful practices."

Incited by information, which communicated not only instruction but alarm, the Board of Trade represented to the queen, in November, 1711, "that, such being the state of difficulties, and having reason to believe that the assembly will not settle a revenue, it would be proper that provision be made by act of Parliament here." The same spirit dictated a representation to the secretaries of state a few months after, in which the Board stated in plainer language the pretensions and practices of the delegates; giving it as their opinion, "that, if the assembly of New York is suffered to proceed after this manner, it may prove of very dangerous consequence to that province, and of very ill example to the other governments in America,

who are already but too much inclined to assume pretended rights tending to independency on the crown." Yet the remedy which they offered only showed the greatness of their embarrassments and the difficulty of the subject; the displeasure of the queen, an act of Parliament, establishing a revenue within the colony, were measures extremely inadequate to the reclaiming of the colonists to duty, or to the retarding of that tendency to independence, which was so clearly seen and so much deplored. Though St. John had determined, because he saw the necessity of reformation, to improve the chartered forms, by giving royal governments to each, his ardent mind seems to have been now too much occupied with more interesting affairs to regard, as he ought, the late representations. Wise men perceived that no great plan of policy, containing reciprocal benefits to the nation and her colonies, could be reasonably expected while cabal divided the cabinet and faction distracted the state. Considering the claims of the delegates as a violation of the provincial constitution, the Board of Trade wrote to Hunter, in June, 1712, "to acquaint them, if they persist, that such measures will be taken here as may effectually assert her majesty's prerogative;" never reflecting that threats offered to the free oftener confirm their obstinacy than temper their zeal.

Animated, however, by these proceedings, the governor convened the assembly, to whom he recommended the defence of the frontiers and the support of his administration; proposing expedients by which they might grant money without fear of misapplication. They passed an act for suppressing the conspiracy of slaves, because their capital had been endangered by recent insurrection. They provided for the repairing of their fortifications on the borders, because the prov-

ince had been lately threatened with invasion from Canada, while their Indian allies had shown unusual discontent. "In order to defeat the measures of the Board," they appointed commissioners "to state the debts of the government;" and they granted to Hunter a petty sum for his temporary subsistence. But the communication of the threatenings of the Board enkindled, as might have been foreseen, "heats not fit to be repeated." The session passed away in revived altercation between the two houses of assembly, which only confirmed the prejudices of both. Though the governor foresaw, "that, when they had fixed the name of slavery on the supporting of government, and that of liberty on their own practices, and have taught the thoughtless people to speak after them, there can be no expectation from change," he dissolved the delegates, because he deemed that conduct undutiful which they regarded as patriotic. Of these transactions he informed the ministers of England, assuring them "that they cannot flatter themselves after what has passed that any thing is to be done on this side." In order to blunt the force of accusation, to embarrass projected measures of which they were perfectly informed, the delegates transmitted an address to the queen, professing their willingness to support her government, complaining of misapplications in the treasury, and of misrepresentations of their temper; and begging that they might be allowed to appoint an agent to state their proceedings and to watch over their affairs.

Enlightened by further experience, the Board renewed, in April, 1713, their former representations to the queen in stronger language. Perceiving the degradation of her authority in the needy dependence of her officers, that princess immediately gave orders, that

the bill for establishing a revenue within the province, which Northey and Raymond had formerly approved, should be laid before the House of Commons. But the Parliament rose before it was possible to prosecute that measure with effect. Though the Board gave Hunter assurance, "that they should not fail, at the beginning of the next session, to take care that her majesty's commands shall be no more slighted by a people, who owe their protection to her goodness;" yet, there is reason to believe, that they were not sincere in their professions; that there was no real design to establish by act of Parliament a permanent revenue in New York.*

Upon the dissolution of the assembly, in 1712, appeals were made to the inhabitants by means of the press, in which Hunter and his friends displayed the superiority of their talents without subduing the prejudices of the people. Nothing can show in a clearer light the policy of the times than the singular argument which was chiefly pressed, in order to gain the object of his struggles; "that, if they did not settle a revenue, the Parliament would do it to their hands." But a great majority of the late members were returned to the assembly of May, 1713. Invigorated by recent assurances, he addressed them in a tone of confidence, which often proves successful in popular conventions.

* That there had been no real intention to impose taxes in New York by act of Parliament seems to be demonstrated by what Governor Hunter wrote to Secretary Popple, in November, 1714; "You know well that the revenue bill was never intended to be passed, though prepared by the Lords of Trade." We may determine, with regard to the motive, by what appears in a letter from Hunter, of the 8th November, 1715, to the Earl of Stair, "that it had been the opinion of *his friends*, during the late reign, that the act of Parliament should not pass, because he would be superseded were a salary established." Hunter desired Lord Stair "to remember him to the Duke of Marlborough, Lord Somers, Lord Godolphin," and other great whigs; and we may thence infer that these were "his friends," who prevented the passing of the act of Parliament during Lord Oxford's administration, for a reason which shows that they had been acquainted with courts.

"You are called," said he, "to settle a revenue for support of government, not to settle the government, for that is already done by the only authority on earth that has a right to do it." And he with some success endeavored to soothe and to terrify them. "The fears of the promised remedy at home and of a speedy dissolution, at length suggested the necessity of an apparent willingness to provide for the public officers in the manner expected of them." Yet for one year only they now made provision, which afterwards proved extremely defective, because their jealousy proved stronger than their apprehensions. And Hunter gave notice to the ministry, "that, while endeavors were daily used to wrest from the queen her undoubted rights, the continuance of government on this foot can neither be for her pleasure nor her interest."

Owing to this information, the rod of parliamentary interposition was again shown to New York, in order "to make that people more sensible of their duty." During the impression of the threatened chastisement, Hunter convened the assembly, in July, 1714; that he might once more endeavor to obtain what was essential to his existence. The delegates thought it prudent to provide for the support of government during the subsequent twelvemonth, which was equally defective as the former; which induced Hunter to inform the Board of Trade, "that he must go a-begging again at the end of the year." Every man of consequence in the province having become at length a creditor of the public, either for services performed, or for money advanced on defective funds, from the revolution to the present time, a law was the more easily obtained for discharging the debts of the colony, amounting to twenty-eight thousand pounds of current money; and with this design, the same act "enforced the currency

of paper bills" to that extent. During this session there was so good an agreement between the two houses of assembly, because the interest of both concurred, that "the offensive clauses were struck out by the council, yet the delegates agreed to all their amendments, though it was a money bill." Having thus disburdened the community of debts, by a measure which enlivened the industry of the individual, the legislature wisely endeavored to promote the general prosperity by salutary laws; by giving encouragement to fishery and agriculture; by regulating the practice of the law, in order to prevent the multiplicity of suits. Yet the repose of the frontiers was somewhat disturbed by the commotions of the five confederated tribes, who had protected the province during the war, because they had heard of a design to destroy them, but more because they had not received the accustomed presents, "which had now become a sort of tribute." Enabled, however, by a liberal grant of the assembly, Hunter easily removed their jealousy and reëstablished the former peace upon a firmer basis. Notwithstanding the turbulence of the reign of Anne, New York grew up with a youthful vigor, equalled only by other English colonies, having added one third to her populousness and her commerce. When that excellent statesman observed with surprise this signal augmentation, because complaints had been made of her rapid decline, he was induced "to leave it to the consideration of the Board of Trade, what the consequences are likely to be, when upon such an increase not only the support of government, but the inclination of the people to support it at all, decrease."

CHAPTER VII.

NEW JERSEY.—Deplorable Effects of Faction.—East and West Jersey united under Governor Lord Cornbury.—Constitution.—The Delegates decline to assemble on the Day appointed.—Similarity of the Annals of New Jersey and of New York.

FACTION had reduced few countries to a situation more truly lamentable than that which the inconsiderable colony of New Jersey, containing about eight thousand inhabitants, had cause to deplore at the commencement of the reign of Anne. To the ministers of England it was represented as "being without law and gospel, having neither judge nor priest." The cause we may learn from those who know the best, because they had been attentive observers of the tumultuous scene; "that the present ill circumstances of New York, the Jerseys, Pennsylvania, and the Carolinas, if not derived from New England, yet the transcripts are so alike in most or all the circumstances, they seemed to have been influenced by the worst of examples." Amid these distractions, Lord Cornbury was appointed the first royal governor, in 1702. By his commission and instructions, the queen incorporated East and West Jersey into one province. And, while she gave them the constitution of other royal governments, she regulated the house of delegates, by declaring that it should consist of twenty-four members, who each should possess a freehold of one thousand acres. Though nothing could be more wise than a regulation which placed the legislative power in the

hands of the wealthy, it contained the imprudence, that so frequently occurs in colonial policy, of establishing a measure that could not be supported, and was therefore retracted when it was opposed.

Experience soon discovered how vain is the recommendation "to heal divisions," when men's habits promote disunion. The governor, to whom this benevolent order was given, found the inhabitants of Jersey "prone enough to throw off all government," and the province distracted by three different parties, as violent as they were interested. Amid this ferment, the delegates, in order to show their contempt of Lord Cornbury, who was said "to have been the merchandise of factions," adopted a measure, which introduced a difficulty here, that seems never to have occurred in England, even when men contended with the same zeal to be exempted from parliamentary service as they insist in modern times for parliamentary representation. They declined to assemble on the day appointed by the queen's writ; because they knew that their obedience could not be enforced, and they foresaw, in dissolution, only a renovation of their power. During the length of years that they were influenced by this spirit, they professed their willingness "to support any one who does not invade their liberties; though they thought no consideration obliged them to support oppression." The succession of governors, however, made little change in the tempers of the governed, since the same impelling causes continued. And Hunter assured the Board of Trade, in May, 1711, "that a compliance with his order, to compose differences, was past all human power." The annals of New Jersey and of New York, during the present reign, are extremely similar in all their characteristic features, because the passions of the people

of both were exactly the same. But little instruction and less pleasure can be gained from tracing the tergiversations of party in either. The personal contests of petty men, for interested objects, merit no consideration, since similar disputes of greater characters, for higher enjoyments, are interesting only to those who derive a gratification from their ultimate disappointment or success.

CHAPTER VIII.

PENNSYLVANIA. — Operation of the Constitution. — The Three Lower Counties. — The Government devolves upon the Quakers. — Randolph's Accusations against Penn. — Proposition of Penn to resign his Jurisdiction. — Evans assumes the Administration. — His Attempt to reconcile Animosities. — The Lower Counties refuse to join the Province. — Difficulties between the Governor and Delegates. — Attacks on the Proprietary. — The younger Penn renounces the Tenets of the Quakers. — Acts of Assembly reviewed and disallowed in England. — Evans succeeded by Governor Gookin. — Operation of the Peace Principles of the Quakers, in refusing to Aid the Canada Expedition. — Pennsylvanians supply the French with Provisions. — Colonial Prosperity.

THE celebrated constitution, which Penn left to his province, when he finally departed, in 1701, did not insure, what ought to be the end of every social system, the repose of the governed. The people did not yield willing obedience to Hamilton, to whom he delivered over the chief command, because they knew that the queen had refused to honor him with her approbation. During this state of embarrassment, he tried in vain to induce the inhabitants of the three lower counties to submit to the Pennsylvanian constitution, which attracted, in after times, the admiration of philosophers, since they knew the defect in the proprietary's title and wished for the pleasures of separate jurisdiction from a royal government. Even in this moral province crimes began to prevail, where punishment was unfrequent, because "the Quakers were determined to be judges, yet will not administer an oath." Nothing can be more respectable than the peaceableness and the diligence of that singular sect; nothing can be more in-

congruous, perhaps reprehensible, than their ambition to fill offices for which their peculiarities disqualified them. Yet, by the affectionate disposition of the proprietary, into their hands the government devolved upon the death of Hamilton, though they refused to take the oaths which the acts of Parliament required as essential to all governors. And the ministers of England were informed, by those who had beheld "this unaccountable proceeding with surprise, that Pennsylvania looks as if it was an independent government, and not under the same crown; that the Quakers hoped the interest of Penn would procure a dispensation of the law in their favor."

Scarcely had Penn arrived in England, when, in June, 1702, Randolph, the surveyor-general of the colonial customs, presented formal articles of accusation to the Board of Trade, "that he had usurped the government of the three lower counties on Delaware; that he had imposed a duty of eight shillings a ton on vessels not belonging to his province; that he had enacted laws contrary to the acts of navigation." When he found that his answers were disregarded as unsatisfactory, "that the bent is extremely strong to bring all proprietary governments under the disposition of the crown," he proposed to the secretary of state to resign his jurisdiction to the queen. It was on that occasion, that the same sentiment occurred to Lord Godolphin, which was afterwards so strongly expressed by Hunter, "that, if these governments are purchased on their present footing, the queen will pay dear for much trouble and no dominion." And he prudently asked, what good was to result to England by the purchase of the proprietary's powers? It was owing chiefly to that important question, that, though the treaty, which was thus opened, in May, 1703, lasted during the present

reign, and towards its conclusion a bill was brought in by the Commons to confirm the agreement of the parties, it finally failed; the unfeeling creditors of the unhappy Penn opposed what they regarded as contrary to their interest; the ministers were too much distracted to support with steady vigor what did not immediately relate to their own continuance in power.

When Evans assumed the administration, in February, 1704, "he found the affairs of Pennsylvania in no worse order than was to have been expected from the late opposition to a weak government." Yet he could discover no illegal trade, because his diligence had not been yet quickened by opposition. He endeavored, though with no great success, to reconcile animosities during a season when "it was the unhappiness of the country to be much divided in opinions." Partly with this view he called an assembly, in May, 1704, in conformity to the late charter. To their consideration he recommended the support of his administration, by insinuating, "that Penn might throw off a load that he had found too heavy." He pressed them to grant the queen's requisition of aid to New York, though he perceived "that it went much against the humor of the people here as well as in other colonies." He proposed the settlement of the constitution and the defence of the colony; but, above all, he suggested, as what merited their chief regard, the unity of the province with the territories. The mutual cordiality, which seems to have prevailed at the commencement of the session, did not long continue, because the jealousy of each party was strong. The inhabitants of the lower counties finally refused to join in jurisdiction with those of the province, since they hoped with reason to be received under the royal government. The power of the delegates to sit on their own adjournments having been

lately questioned, they thought it prudent to explain by a new law their chartered constitution. The amendments made by the chief ruler to this bill, as he thought it pressed upon the prerogative, induced them to resolve, "that his alterations would render the late patent ineffectual, and bring an odium upon the proprietary;" that to admit the power of dissolution or prorogation in the governor would frustrate the elections settled by the legislature. Power supported by popularity is not easily controlled. Though Evans struggled to maintain "a point which ought not to be given up, because he remembered the fatal consequences of that concession by Charles the First," his opponents at length gained their end. In the height of their discontent they attacked the proprietary himself in a variety of exaggerated complaints, which seemed to have been all contained in this general resolution, "that, though at the first settling of the province he had promised large privileges and granted several charters to the people, yet by his artifices he had endeavored to reduce all to his mere will." And thus that famous legislator discovered, what it is of great consequence for the world to know, that great cunning generally defeats its own purposes. It was on this occasion, that the younger Penn publicly renounced the tenets of the Quakers, because in their ambitious projects they had forgot the kindness of the father and their promises to the son. The ministers of England were at the same time informed, "that, considering how much every thing is in disorder, and how little the Quakers will do for Penn, he will fall in his demands for a surrender."

When the acts of assembly were not long after reviewed by English statesmen, many of them were found to have been either unreasonable, insignificant,

or arbitrary. Sir Edward Northey objected to the toleration act, because it had no regard to the Christian religion; to that, inflicting castration on him who should commit a rape, since it was unreasonable, especially in the case of married men; to that, requiring criminals to be sold for certain offences, as the law of England does not admit of servitude as a punishment; to that, giving priority of payment to the inhabitants, because it was prejudicial to the English merchants. These, and other regulations of a similar texture, were disallowed by the queen, though Penn pleaded, in their favor, "that the simplicity of the times in that wilderness ought to excuse inexpertness." Sir Robert Raymond reviewed subsequent acts of the Pennsylvanian assembly, which, composed in a similar strain, he found to have been equally defective. He objected to the first, because "it circumvents the act of Parliament regulating coin; to the second, as it seemed to multiply suits and to deny justice; to the third, since it gave very arbitrary power to justices of the peace; to the fourth, because he could not perceive the occasion of declaring the privileges of freemen, as their rights were sufficiently secured by the laws of the realm; to that imposing a duty of ninepence a ton on vessels coming thither, 'except such as are owned by the inhabitants,' as it is very unreasonable to impose a burden on the trade and navigation of this kingdom." The able report of that illustrious lawyer was transmitted to the governor, that, while he published the royal dissent, the province might know the reasons which had procured it. What a spectacle, to behold such jurists as Northey, Harcourt, and Raymond, objecting to the regulations of the renowned legislators of Pennsylvania, *as very arbitrary, unreasonable, and unjust!* The jealousy of the law of England allows

to no officer discretionary powers, and the people are therefore free ; the Pennsylvanian jurisprudence gives high trust to petty magistrates, because they are not feared, and the provincials are therefore sometimes subjected to the tyranny of little men, though the Pennsylvanians have been always free, because they thought they were free.

With the characteristic weakness of human nature, Penn endeavored to derive that submission and repose from change, which had been denied to gratitude, by sending Gookin to execute the unpleasing task of Evans. Capacious as the proprietary's mind was, he did not immediately perceive, that contest grew naturally out of the constitution which he had given to his followers, acute and pertinacious. Equally poor and dependent, the new governor had the same contest to maintain as the old, which he began with haughtiness and concluded, when he was by the same arts recalled, with meanness. In their religious scruples, the delegates found an excuse for denying to the royal requests any aid to the Canada expedition of 1709, though they professed their willingness to grant a suitable present to the queen. They neither provided for the defence of their coasts, which were sometimes plundered by privateers, either by fortifications or by ships ; nor for the security of their frontiers by gratifying the neighboring tribes ; "alleging, for all, their religious principles." Yet the Pennsylvanians derived the greatest advantages from supplying the French with provisions during a war that involved the parent country in debts, the pressure of which she even now deplores. It was to no purpose to prosecute offenders, "since juries gave their verdicts against the queen." And, while Hunter lamented the continuance of "these treasonable practices," he informed the Board of Trade, in February,

1712, "that his repeated advice to the lieutenant-governor, with the opinions of the best lawyers in these parts, could not prevail on him to seize Parks and his associates, and send them to England for their trial, as the act of Parliament against foreign treasons directs." But the public contests seem not to have much affected private prosperity, because, while the original spirit of diligence was invigorated by legislative regulations, the hand of the industrious was strengthened. During the present reign, Pennsylvania added probably a third to her population, since mankind every where multiply in proportion as they are usefully employed, while they possess unmolested the fruits of their toil. And, having cultivated a direct trade with the French in preference to the English, the authority of Britain was shaken by additional strokes, as the provincials had learned "to circumvent acts of Parliament," while they disregarded without reprehension the just requisitions of the queen.

CHAPTER IX.

MARYLAND. — Aid asked for New York. — Seymour assumes the Government. — Protested Bills of Exchange. — Laws respecting Debtors and Creditors. — Laws of the Session of 1704. — Complaints thereupon by the London Merchants. — Laws disallowed. — Conspiracy of the Indigent to seize the Government. — Execution of Clarke. — Oppressions by Creditors. — Removal of Planters from the Province. — Continued Hostility between Debtors and Creditors. — Population and Wealth of the Colony.

DISTURBED neither by foreign invasion nor domestic dispute, the province of Maryland had for years enjoyed the most perfect repose, and was said "to be now greatly improved and happy, owing to its being under a royal government." The queen thought it prudent to renew her requests of aid to New York, because the former instances had not been complied with. Yet the provincial agent not long after represented, that the assembly of 1701 having granted three hundred pounds sterling as their quota, on condition that other colonies should contribute in equal proportion, their successors begged to be discharged from that law, since Virginia and Pennsylvania had granted nothing.

Seymour assumed the government of this peaceful colony in 1704. He soon discovered, that, though it was not subjected either to the cruelties or the expenses of war, its quiet was disturbed and its people were impoverished by hostility. Owing to the number of negroes imported, as well as to the depreciation of their staple, he had cause to lament, "that the epidemic distemper of the country was the multitude of pro-

tested bills of exchange." And the conduct of the assembly, during this reign, was governed by the spirit of their needy constituents; the regulations of the legislature were dictated almost wholly by a regard to debtors. Excessive usury was prohibited, by declaring that no greater interest shall be received than six in the hundred for money, and eight for tobacco. The damages of protested bills of exchange were ascertained, by reducing them from twenty and fifteen in the hundred to ten. While an act was passed "for the relief of poor debtors," it was declared, "that no execution should issue in any year after the tenth of May." A law, however, was established "for the relief of creditors in England, by subjecting the factors of bankrupts to the suit of their commissioners, provided a security shall be first given to satisfy the debts contracted in the province." And we here see a picture, in miniature, of the tribunitial contests at Rome, between the patrons and their clients, which so long kept the republican spirit alive. Regulations, however, of a different tendency, were at the same time enacted. By improving the militia, the public safety was secured; by doing justice to the domestic tribes, the general tranquillity was insured. Encouragement was given to agriculture, while additional incentives roused the spirit of foreign adventure. Nor were the interests of learning forgot in their attention to domestic economy. Having, then, no public seminaries, taxes were imposed on a variety of commodities exported, "towards the maintaining of one or more free schools," provided, "that non-residents shall pay double the duty to be paid by inhabitants." On the queen was settled an annual revenue, for the support of her government and for the buying of warlike stores; to the governor was given a custom of threepence a ton on every

vessel trading in Maryland, "except such as belonged wholly to the people of the province." Seymour transmitted the memorable laws of the session of 1704, with explanatory observations, which evince, that, while he was himself gratified, though at the expense of strangers, he did not foresee that he had consented to acts of assembly, which, by awakening the commercial jealousy of England, would necessarily incur the censure of his superiors.

When the merchants of London heard of regulations so inconsistent with their interest, they stated their present hardships and future danger to the Board of Trade, in language, dictated by the impression they had made. "It is remarkable, how the assembly pretend to extend their laws to all Britain, without any man being heard. If such plantations have power to make ordinances so destructive of the credit and trade of Europe, it is most certain it gives them power in time to dismember themselves from the mother country and their dependence thereon, which is a consideration that ought to be well digested." And they hoped, "that the queen's subjects of Europe may be supported in the same freedom and privileges of trade with the inhabitants of this or any other colony." Of the various laws, which were thus represented as dangerous in principle and inconvenient in practice, the act for the relief of debtors, and that for reducing the damages on protested bills of exchange, were alone disallowed by the queen, because the Board had determined, "that they were not fit to be confirmed." To disabilities, which had thus been imposed "without being heard," to taxes granted without representation, the British traders have to the present times been obliged to submit, because, though they often complained, the ministers' attention has never been

equal in vigor to the assembly's continual perseverance.

That country is seldom long happy where penury is fired with ambition. Notwithstanding the zealous endeavors of the legislature to promote her interests, the repose of Maryland was somewhat disturbed by a conspiracy of the indigent, who attempted, in 1705, with the aid of the Indians, to seize the government; in order to discharge their incumbrances by assuming the administration. A timeful discovery disappointed their flagitious purpose. And Clarke, the principal conspirator, being outlawed and attainted by the assembly, the province derived future security from his exemplary execution. Yet it was supposed not to prosper, while the inhabitants felt not the energy of their Pennsylvanian neighbors; while they continued, what they were now by beholders represented to be, "a careless, unthinking sort of folk." Animated by the passions of the multitude, the president and council stated to the Board of Trade, in November, 1710, "that, while English manufactures were very dear and tobacco of little value, the people were oppressed by avaricious creditors, and in these deplorable circumstances, the planters, to whom their servants had become a burden, removed from the province in order to prevent their imprisonment." During the existence of a war, to the expense of which the provincials had not contributed a penny, though they complained of their insupportable burdens, the late hostility between debtors and creditors continued; and, notwithstanding the remonstrances of English merchants, of whom it was remarked, "that they had given too much credit to the people," laws were constantly passed "for the discharge of debtors," "for relieving the inhabitants from aggrivances in the prosecution of suits at law." Yet

all general representations contain a portion of falsehood, or the removal of the needy promoted the augmentation of the industrious; no country ever added so much to her population in the same short period as Maryland during the reign of Anne; few communities have, perhaps, acquired more real wealth, because with the increase of numbers the sum of general labor was augmented, and distress, either feigned or real, opens new veins of traffic.

CHAPTER X.

VIRGINIA. — Grants for the War of Anne. — Aid not sent to New York. — Nicholson advances Nine Hundred Pounds. — Interruption of Commerce. — Law to encourage Domestic Manufactures rejected. — Recall of Nicholson. — Government of Nott. — Counsellors excluded from acting as Naval Officers. — Three Years' Residence before holding Office. — Revenue Bill. — Grant for the Governor's Palace. — Refusal to erect Fortifications. — Decease of Nott. — Government by Counsellors. — The Colony does not prosper. — Direct Exportation of Tobacco to France. — Earl of Orkney appointed Commander-in-chief. — Arrival of Governor Spotswood. — Grant of the *Habeas Corpus* Act. — Thanks to the Queen. — Threatened French Invasion of 1711. — Acts of the Delegates in Relation to it. — The Governor Dissolves the Assembly. — Warlike Supplies from England. — The Assembly of 1712 discharges Debts, aids Carolina, and defends the Frontiers.

THE fine province of Virginia, which, at the commencement of the present reign, contained fifty thousand inhabitants, enjoyed the greatest prosperity, during the peace subsequent to the treaty of Ryswick, though its tranquillity was somewhat disturbed by faction, as it contained "some persons who were dissatisfied that they had not the direction." Little was it prepared for the war of Anne, since its ten thousand militia were undisciplined and its magazines were empty. To the requests of the assembly the queen granted warlike stores of the value of three thousand three hundred pounds, which the governor was directed to repay from the revenue of quitrents. In the moment of conferring a favor, she renewed the former requisition of William, to grant a quota of aid to New York. In vain the governor used every art to induce the burgesses to comply with the royal desires, when "endeavors had been used to pro-

cure the choice of such members as should oppose what was disagreeable to a prejudiced people." The assembly excused themselves, by alleging that New York ought not to be regarded as a fortified barrier to them. Foreseeing how prejudicial it might be, should the French hear of this refusal, Nicholson, by advancing himself the quota of nine hundred pounds, gained celebrity from historians, who knew not that the money was returned when it was deemed imprudent to fulfil the condition which had been annexed to the gift. And his zeal was praised by the Board of Trade, while they lamented, "that the assembly had shown so little regard to the queen's demands."

Though Virginia, as well as Maryland, felt not the attack of an enemy, the commerce of both was extremely interrupted by the various events of the war. The Virginians resumed, in the present, a measure which a similar necessity had induced them to adopt, during the late reign; when European supplies were withheld, they engaged in the manufactures of linen and wool; when, however, the assembly gave encouragement to fulling-mills, the Board of Trade, influenced by the commercial spirit of England, rejected a law, so inconsistent with her interests. The ministers reviewed, in the same spirit, a code of laws, compiled by the provincial legislature. A few bills they returned with amendments, for further consideration. They rejected "the act for better securing the liberty of the subject," because they probably presumed, that the Virginian privileges had been already insured by the general jurisprudence of England. The irregularities, no less than the high political maxims, of Nicholson, enabled a combination of counsellors to procure his recall, as they had formerly removed Andros, his predecessor, at a time when they wished themselves to engross all authority.

In August, 1705, the government was assumed by Nott; whose "moderate ways," it was said, "would in a little time silence scandal, which hath lately been too much instilled by uneasy persons." Yet the counselors were dissatisfied with the instruction which excluded them from acting as naval officers, because their overgrown power had incited the jealousy of the Board of Trade. He easily procured the assent of the assembly to the bills which had been amended and transmitted from England. But others he rejected, as they invaded the authority that had been given him in trust, though he was unsupported by the council, who ought to have given him advice. That local legislature passed an act, declaring that none should execute an office, who had not resided three years in the colony; which was disallowed in the subsequent reign, because, custom-house officers being prosecuted, it was declared to be erroneous in policy and contradictory to the statutes of William. The revenue bill, which the delegates supposed so complimentary to the sovereign to whom they were indebted for favors, she afterwards repealed, because she was advised, that it was destructive of trade, while it invaded her prerogative. Yet the delegates granted three thousand pounds for building a palace for the governor, since they wished to gratify their vanity; they refused, however, to erect fortifications for the defence of their ports, pretending inability, while they hoped the queen would apply the whole revenue of quitrents for that salutary purpose. And the decease of Nott, at the expiration of a twelve-month, transferred to the counsellors "the sole government, which, it was said, some endeavored to confer on them, by lessening the prerogative in all things."

Though Virginia now enjoyed tranquillity, as the voice of faction was no longer heard, yet she did not

prosper. Her coasts were invaded by privateers, while the guard-ships, furnished by England, were employed on services less advantageous to either. At the same time that the province justly complained of the scantiness of the supplies of European manufactures, her staple commerce declined, because the Dutch were said to have procured large quantities of tobacco from Germany. And the Parliament, by permitting the direct exportation of that commodity in neutral ships to France, sacrificed their favorite system to the interests of Virginia and of Maryland; which, of all the continental colonies, then only merited their commercial care.

In December, 1710, a policy was adopted, with regard to Virginia, no less unsalutary than unjust, which continued, however, to the present times; which seems never to have answered any other purpose, than that of giving to those whom the ministers wished to favor station and emolument, without exacting a duty. With this interested design, the Earl of Orkney was now appointed commander-in-chief, who, for almost forty years, enjoyed a considerable revenue without performing one act of government. Nothing had been more wise than the appointment of a chief ruler of high rank and extraordinary talents, to counteract the designing and to overawe the factious, during a season that secret attempts were made on the governor's station; that the royal prerogative and the jurisdiction of England were openly invaded. Spotswood, who had been bred from childhood in the army, who has been justly praised, by history, "for understanding the interests and nature of the provincials," was sent to rule Virginia; to discharge an important trust, though he was to receive a diminished salary. He was put in remembrance, that the Virginians supplied the enemy with

provisions by means of flags of truce, and ordered to prevent that insidious traffic; he was told, "that, should the assembly continue to offer bills laying burdens on the shipping or commodities of this kingdom, he would do well to reject them."

In June, 1710, Spotswood was received by the Virginians with acclamations, because he had brought them liberty. Influenced by her new advisers, who have been, however, honored with colonial hatred, the queen gave, unsolicited to the provincials, the invaluable benefit of the *habeas corpus* act, which had been denied by the late ministers, when their representatives endeavored to extend it by their own authority. The two houses of assembly separately transmitted their grateful thanks to that princess, for conferring on them "a relief from long imprisonments;" which they might have claimed as a right belonging to every subject of the crown. And, from the conduct of both parties, we may infer what was the prior practice and present opinions. While they yet remembered recent favors, the assembly of October, 1710, are said "to have shown a due regard to her majesty's service," though they could not be persuaded to see their defenceless condition, since the certain expense appeared more immediate than the distant danger.

When that zealous officer heard of an intended invasion of the French, during the summer of 1711, he did all that could be expected from his talents and activity for the defence of a country not easily protected, since its navigable rivers invite a naval enemy to universal plunder or conquest. When the assembly was convened, in order to consider their present weakness, to discharge the claims which had arisen from late efforts, their native jealousy revived. They refused to pay the expense of collecting the militia,

or to discharge the public debts, because "they hoped, by their frugality, to recommend themselves to the populace." Yet the delegates, that they might not preclude themselves from the benefit of excuse, proposed to levy taxes by modes, which they probably knew would not be accepted. They voted twenty thousand pounds, which were chiefly to arise from duties imposed on British manufactures. Notwithstanding the governor's message, "they insisted on giving greater privileges to Virginia owners of vessels than to British subjects; saying, that the same exemption had always existed." And they gave two thousand pounds for completing the palace of the chief magistrate, as they found a gratification in what did honor to themselves. But Spotswood at length discovered, that perverseness is seldom softened by re-crimination. Finding, even after a prorogation had given time for consideration, that nothing could be expected from men regardless of duty, he dissolved the assembly, expecting the same members to be returned with additional zeal, who had gained approbation from refusing money and thwarting a governor. While he foresaw the approach of an Indian war with a powerful tribe, and lamented that there was no fund to answer sudden emergencies, he applied to England for the usual stores of war, which she seems to have supplied during a moment of disgust.

When the clamor of the public creditors induced Spotswood to call a new assembly in 1712, they appear to have performed more than he expected of them. They discharged most of the debts, when he demonstrated, that the standing revenue had been so defective, during two and twenty years, as to require seven thousand pounds from the queen's private estate to make up deficiencies. They gave unwilling assistance

to the distressed Carolinians, since they did not love them. And they enabled him to defend the frontiers against Indian incursions, which had involved the settlers, in some measure, in the sad fate of their southern neighbors. Though the militia were disqualified for action, as they had been long enervated by the pleasures of peace, the governor's vigorous conduct easily compelled the surrounding tribes to sue for pardon. Having thus insured the quiet of the province, his good sense at length promoted its prosperity by enhancing the price of its staple, since he procured a law, though the prejudices of the vulgar opposed him, which rendered it really more valuable. And he at length acquired the temporary confidence of the delegates, by showing that he was worthy of it. When the principles and pursuits of a people are the same, their annals assume a similar appearance, because their actions must be nearly the same. Nothing therefore can be more like, than the provincial events in the histories of Virginia and of Maryland during the reign of Anne. Both complained of emigrations, owing to the poverty of the people, yet added one third to their population; both thought their commerce ruined and their inhabitants undone, yet each opened new sources of traffic and gained additional wealth; and both denied the requisitions of their sovereign and invaded the jurisdiction of England, though they had each received favors from the queen and from the Parliament.

CHAPTER XI.

NORTH CAROLINA. — Government relinquished in Despair by the Proprietors for Seven Years. — Trade from New England. — Deputy-Governor Cary. — Glover nominated President. — Ejection of Glover and Counselors by Cary and Quakers. — Tynte General-Governor of Carolina. — Deputy-Governor Hyde. — Cary's Contest with Hyde. — He excites the Tuscarora Indians. — Fate of Cary and others. — Lord Dartmouth directs Prisoners not to be sent to England without Proof of their Guilt. — Tuscarora War. — Barnwell's Expedition. — Renewal of the War. — Aid from Virginia and South Carolina. — Moore's Success against the Tuscaroras. — Union of them with the Five Nations. — Nicholson to Inquire into the Disorders of the Colony.

THE most inconsiderable community of North Carolina has never relinquished the flattering gratifications of self-rule even when they were inconvenient. Having refused to join in legislation with their southern neighbors, the inhabitants were delivered over to their discontents; having denied submission to the deputy-governor sent them from Charleston, the proprietaries seem in despair to have relinquished them to their own management, in 1695, without inquiring for seven years after whether they prospered or declined. During that gloomy period, New England alone cultivated her former commercial connection with them; supplying their inconsiderable wants, and carrying their tobacco and their corn without restraint wheresoever interest directed her traders. When the original planters had added to their numbers the fugitive debtor and criminal, who resorted from every colony to a settlement where they were offered protection, and had engrafted New-English maxims upon their stock of native princi-

ples, such specimens of turbulence were given by them to the other provinces, during the reign of Anne, as may be conceived but cannot be described.

During the prevalence of such settlements, Johnson, the supreme governor, appointed, in 1703, Cary as his deputy over North Carolina; who, trained amid the seditions at Charleston, had been himself a most active partisan. His rapacity and misrule were such as might have been expected from such a character. And, while the proprietaries removed him from a charge of which he had shown himself unworthy, they empowered the counsellors to choose a president for themselves; who, acquainted with the people, might be able to close divisions and to promote peace. And they nominated Glover, because they thought him equal to that difficult task, since, by partaking in their adversity, he had acquired a knowledge of their affairs. But Cary was not of a temper to sit down easy under his late disgrace. And, "being joined," as Spotswood asserted, "by certain Quakers intrusted in the administration, gathered together a rabble of loose people, and by force of arms turned out the president and most of the council." Of the Quakers it was said, "that they had had the cunning to set that country in a flame, and all but themselves in arms against each other." And Jennings, the Secretary of Virginia, wrote the Board of Trade, in September, 1708, "that the conduct of parties could only be resembled to the freaks of madmen."

Of Carolina, Tynte was appointed general-governor in January, 1709. The proprietaries sent Hyde to North Carolina as his deputy in the subsequent year; but, with singular imprudence, directed him to apply to his principal for powers. Upon his arrival, he found that Tynte had already yielded to the climate, and saw himself in a turbulent province without authority; and

here "he discovered that nothing but sedition had been industriously cultivated, and rebellion too much practised." Yet, convinced that he had been appointed governor, the principal inhabitants, and even Cary himself, requested him to assume the administration as president, till his commission should arrive. Unhappily he knew not how much practical wisdom there is in doing nothing. By unadvisedly calling an assembly in March, 1711, he gave a pretence to those who already repented of their choice. Cary and his adherents, fearing to be called to strict account for their recent delinquencies, protested against the convention and urged the people to resistance. Having impeached those turbulent incendiaries of crimes, the delegates ordered him to be arrested, without reflecting that their power was not equal to their zeal. He not only raised the standard of defiance, but again declared himself president amid the acclamations of a misguided multitude; and, having procured an armed ship "from a leading Quaker," he sailed with other vessels to attack Hyde and his council. In this extremity, the aid of Spotswood was earnestly asked. That admirable officer, with a good sense and vigor, which were highly approved in England, sent Clayton, a man remarkable for prudence, to propose terms of reconciliation, but to denounce hostility against him who should prefer contest to peace. And, Cary having persevered in his purpose, Spotswood ordered a detachment of militia towards the Carolinian frontier, while he sent a body of marines from the guard-ships in order to destroy his naval force. Upon their approach, that flagitious insurgent fled with a few of his principal followers to the western extremity of the settlement, where they meditated revenge, since they could no longer hope to enjoy power. And, with the temerity natural to the rebel-

lions, they called in the aid of the Tuscaroras, a powerful nation; never reflecting, in their rage, that, while they endeavored to ruin a party, they might destroy a province.

Haunted, however, by their terrors, they not long after retired into Virginia, pretending that they sought an opportunity to submit their grievances to the proprietors. Here, Cary, Porter, and other conspirators, were seized by Spotswood, in July, 1711, and sent prisoners to England, charged with foreign treason. At the same time that the chief rulers solicited the exemplary punishment "of such dangerous incendiaries," the president and council of North Carolina wrote the secretary of state, "that they should consider it as an act of compassion to them, if the criminals were sent to Virginia for trial, because the charge of a prosecution in England would ruin the country." None of the parties, during the violence of resentment, reflected, on what affords the most pleasing consideration to Englishmen, that, without evidence, the greatest or least offender cannot be punished. And, pressed with present inconvenience, without foreseeing all the consequences of his policy, Lord Dartmouth was induced to write circular letters to the colonies, in August, 1712, directing the governors "to send over no more prisoners for crimes or misdemeanors, without proof of their guilt." From this order, equally humane as just, the provincials derived impunity as well as additional security, since the officiousness of officers was checked, and criminals were not thenceforth transported beyond the ocean, because evidences could not always be transmitted with them.

The American savage has at no time required strong incentives to commence hostilities. On the 22d of September, 1711, the Tuscaroras attacked the settlers

around the sources of the rivers Pamlico and Neuse without recent provocation; and, without complaint of grievance, they massacred, with undistinguishing fury, one hundred and twenty persons; sparing neither the weakness of age nor the delicacy of sex. Here began the Tuscarora war, so fatal to Carolina, so perplexing to Virginia, so destructive to the tribe who had thus commenced it without a cause, since they thought they perceived an advantage. Against that dreadful enemy Hyde could levy very unequal forces. The one half of the inhabitants of this petty province were Quakers, because, while they were yet destitute of ministers, men naturally adhered to that sect which brought them exemption; the other half showed a greater disposition to point the musket against their opponents than against their foes. During the complicated misery which faction had entailed on this wretched colony, Spotswood again made a vigorous effort to relieve it; he effectually prevented the tributary Indians from joining the enemy; and, knowing "that there was little honor to be got from encountering a people who fight like beasts," he endeavored to work upon their hopes and fears by treaty, though with no great success, because, destitute of funds, he was unable to distribute presents. The war raged with greater violence and the public distractions increased. It was lamented, "that, since the burgesses could not get into power those lately concerned in the civil war, they showed an inclination to sacrifice their country to their revenge." Owing to these causes, this settlement was unable to wage even a defensive war. And they owed that safety to the aid of their neighbors, which they could not derive from their own efforts. The zeal of Governor Craven, which was invigorated by the liberality of the assembly of South Carolina, sent a large body of their Indian allies,

with a few provincials under Barnwell, against their barbarous enemy, during the winter of 1711-12. Having gained some success in a few rencounters, in which he was opposed by a resistance of unexpected gallantry, he concluded a peace with the Tuscaroras on no very advantageous terms; because many of his friends deserted, that they might, according to their manner, mourn their loss at home. But he disgraced his country and himself by falling upon several towns, the inhabitants of which slept in the unsuspecting security of peace; carrying those into miserable captivity whom his treacherous sword had spared. The Tuscaroras instantly renewed hostility with redoubled rage; committing in their revenge more horrible massacres on a defenceless people. When the assembly perceived that the contest was now for their existence, they raised four thousand pounds, which seem to have been all that their various embarrassments allowed them to grant; yet, in a moment that every man's aid was necessary, they found so many Quakers, who claimed exemption from military duty, that they were obliged to send for two hundred recruits to Virginia. And Spotswood exerted his usual zeal and talents to give effectual relief to men, who honestly confessed, "that they could not comply with stipulations."

It was, however, from the exertions of South Carolina that they at length derived their safety and deliverance. During the winter of 1712-13, Moore conducted eight hundred Indian warriors, composed of many different tribes, against the Tuscaroras; who were at length driven from their native woods, and reduced to that want and wretchedness, which they had without remorse inflicted on others. Yet a feeble warfare depopulated North Carolina till January, 1714; when Spotswood concluded a satisfactory peace with

various hordes who had been drawn into the contest ; because, while he showed them that he could chastise their insolence, he felt for their fate. And nothing could be more happy than an event which freed the settlements from that dreadful scourge, since the five confederated nations had given secret aid to the enemy and now showed an inclination to send them avowed assistance. It was on this occasion that the Tuscaroras, annihilated as a people, were admitted into that powerful league, and thenceforth formed a sixth member of its singular association.

The private as well as public contests continued to harass this wretched plantation, because the vehement passions of the people remained. Uninformed of the causes of those deplorable events, the proprietaries appointed Nicholson, in January, 1713, whose knowledge of colonial affairs was supposed to be extensive, "to inquire into the disorders of North Carolina." But an inquirer, who approached the scene of trouble no nearer than Nova Scotia, could make no very satisfactory report. Of the infectious example, which the turbulence of the foregoing period set before the other provinces, complaints were made to the ministers of England, since Spotswood lamented, "that the Carolinians instil their pernicious principles into the people here." And, without the suggestions of others, the proprietors at length discovered that to have been always just, which had been foretold at the epoch of Culpeper's rebellion, in 1677 ; that unpunished disobedience would provoke the renewal of turmoil ; that the impatience of rule, resulting from it, must promote the continuance of anarchy ; and that, amid universal confusion, their authority would be irrecoverably lost in the settled contempt of their tenants.

CHAPTER XII.

SOUTH CAROLINA.—Expedition of Moore against St. Augustine.—Carolinian Paper Bills.—Their Depreciation.—Dissent thereto by the Board of Trade.—Double Duties laid on British Ships.—Sir Nathaniel Johnson appointed Governor.—Unsuccessful Application to England for Aid.—The Parties of Churchmen and Dissenters.—Church of England established by Act of Assembly.—Oppressive Acts against Dissenters.—They send an Agent to England to claim Protection.—Action of the Peers thereupon.—French and Spaniards attack Charleston.—Governor Tyne.—His Death and the Consequences.—Administration of Gibbs.—Trade in Rice to Portugal.—Governor Craven.—Public Bank and Paper Bills.—Complaints and Opposition thereto.—Slavery.—Commerce.—Valuation of Property.—Remarks on the Colonial Administration of Queen Anne.

SOUTH CAROLINA, a province, containing less than seven thousand inhabitants, had not yet settled into repose since the contests of the late reign, when a new war was announced. An attack on St. Augustine was instantly projected by Moore; who probably wished to cover the irregularity of his recent election as governor by the splendor of his exploits. A majority of the assembly, actuated by the same passions, granted two thousand pounds for the execution of a purpose, that was to add security to their southern frontier. In September, 1702, Moore entered that ancient metropolis of Florida, which, like the other Spanish settlements, was in those days defenceless; which he gave up to plunder, according to the predatory maxims of the age and of the men. But the citadel set him at defiance till it was relieved by a Spanish fleet, which in its turn obliged the Carolinians to retire into their own country

with some circumstances of disgrace. Clamor naturally succeeded disappointment. The assembly discovered, when their apprehension was quickened "by the threats" of military creditors, that a debt had been incurred, by this improvident expedition, of six thousand pounds sterling; that an impoverished colony was unable to discharge this frightful sum, otherwise than by issuing bills of credit. Here is the epoch of the Carolinian paper bills, which afterwards became so depreciated, the plan of which, with other lessons, the southern settlements had learned from Massachusetts, and ought to be regarded as the colonial mode of borrowing, in some measure resembling the exchequer-bills of England. The present currency was to be recalled at the end of three years by means of a tax imposed on liquors and peltry; the assembly observing to lay a double duty on English traders in order to favor their own. Complaints were soon made to the Board of Trade by creditors, that the depreciation of the paper had defrauded them at the rate of thirty in the hundred; and the proprietors were induced to dissent to a law, which they at length discovered "to be so pernicious to the general interests." A greater clamor was raised, "that the assembly should have laid higher duties on ships belonging to England than on their own." And the Board, considering this interested conduct "as prejudicial to trade," procured the repeal of an act, illegal in principle and destructive in policy.

Sir Nathaniel Johnson was meantime appointed governor of Carolina, because his experience and his courage were deemed necessary at such a juncture. The assembly of April, 1703, chosen amidst unusual tumult, thanked the proprietaries for sending them a ruler, who was the best soldier that had ever commanded there; and, while they acknowledged their attention to the

defence of the colony, they begged them to solicit the queen "for stores, and forces, and a frigate, without which they could not be safe, since their province was a frontier." But their application seems to have been coldly received by the ministers, because, though the preservation of Carolina had not escaped their care, they remembered the recent attack upon the credit and navigation of England.

To other causes of dissension the appointment of Johnson, who had been a non-juror during the reign of William, added that of religion, which had hitherto little engaged the passions of any. And the four thousand white, and consequently free persons, of every age and sex, who now inhabited this unhappy province, were regularly divided into the parties of Churchman and Dissenter; the first claimed preëminence, because they executed the powers of government; the second contended for equality, perhaps for superiority, since they thought themselves the most numerous and the most opulent. The assembly of May, 1704, formally established the Church of England; subjecting the dissenters to the payment of taxes for the support of her ministers; and empowering special commissioners to correct their morals, since they did not enjoy the superintendence of a suffragan bishop. Having acquired their present preëminence by a small majority, they anxiously endeavored to retain it forever, by enacting that none should vote in the legislature who did not take an appointed test. But the dissenters were not of a spirit to acquiesce tamely in innovations, which took from them their property for a hated purpose, and deprived them of power which they thought they had a right to enjoy. And they sent an agent to claim from England that protection which had been denied them in the province, because

bigotry seldom finds a gratification in considerations of justice.

The proprietaries having, however, confirmed those religious laws, so agreeable to their views, perhaps so promotive of a mistaken interest, sent the aggrieved to look for more generous protectors. And the agent complained of their various hardships to the House of Lords, during the session of 1705-6. Notwithstanding the arguments of counsel in defence of the acts of assembly, the Peers did then what they have at no other time done. They resolved, without much consideration, that those ordinances were not warranted by the charter, and were at the same time unreasonable and contrary to law; they besought the queen to use the most effectual method to deliver the colonists from their present oppression, thus illegal and unequitable. She coldly thanked them for throwing the burden from their own shoulders upon hers. Having, however, applied to Sir Edward Northey and Sir Simon Harcourt for advice, those eminent lawyers gave it as their opinion, "that, since those acts were not made according to the charter, the queen may lawfully declare them to be void," though the power neither of dissent nor of revision had been reserved to the crown. In pursuance of their misadvice, those obnoxious laws were disallowed, and the attorney and solicitor general were directed to issue proper process for seizing into the royal hands a chartered authority that had been thus grossly abused. But, upon more mature consideration, they found, that, since several of the proprietors were peers, the privileges of the peerage threw effectual obstacles in their way. Had the Lords been actuated more by policy than by zeal, they would have passed a bill, declaring the nullity of the acts of assembly; and regulating a government, which they had dis-

covered to have been exerted only for the oppression of the people. Had the proprietaries ordered those laws to have been executed in opposition to the royal dissent, which had thus been irregularly given, it would have soon appeared how little efficacy there was in recent proceedings, remarkable for good intention rather than for real wisdom. Here was a proper occasion for the interposition of the legislature, since the greatest jurists could find no common remedy for a singular case.

Though that transaction enfeebled the jurisdiction of the chief rulers, because discontent had now discovered protection, the disputes of the province became soon absorbed in the terrors of conquest. Perfectly informed of the affairs of every colony, the French and Spaniards determined to retaliate on Charleston what had been unwisely inflicted by the Carolinians on St. Augustine. Le Feboure, with a small fleet and army, made a feeble attempt, in August, 1706, to execute their purpose; but it was gallantly repelled by Johnson and the provincial militia, consisting only of nine hundred men. And the sole inconvenience, that the colonists seem to have suffered from this inconsiderate invasion, consisted in a new emission of paper, to defray the charge; which was circulated upon the credit of the same taxes as the former, and became still more depreciated; which, by an easy operation, transferred to the needy a proportional part of the property of the rich.

To little practical purpose the proprietaries instructed Tynte, when they sent him to govern Carolina, "to reconcile the minds of the inhabitants to each other, that the name of party may be extinguished," when the forms of the government naturally begat contention. Having lived to do neither good nor evil, the governor's death revived the animosities of the counsellors, by

giving them an opportunity to decide, by election, whether Gibbs or Broughton should succeed to his power. Of all plants, one may regard political wisdom as the weakest in its shoots and the slowest in its growth, because in every soil it meets with many obstructions. It was not finally settled till the present reign, even in royal governments, that the absence of the royal representative should invest the first-named counsellor with all his powers. The administration of Gibbs produced relaxation of discipline and irregularity of commerce, since his preëminence had been gained by no very honorable means. To the Board of Trade complaints were made, "that rice was carried in New England ships to Portugal, by the way of Rhode Island, a kind of free port, whence great quantities of goods were sent to other colonies." In February, 1710, the proprietaries promised, because they were again threatened with forfeiture, "to suffer no more flags of truce to trade in Carolina during the war; to use their utmost endeavors that the acts of navigation shall be observed."

The virtues or the arts of Craven, who was appointed governor in December, 1710, seem to have silenced debate, at least to have procured acquiescence. The succors which he sent to North Carolina, whilst her existence was doubtful, gained him the approbation of the humane and the thanks of the proprietors. But the revenues of the province were not equal to the extent of her enterprises. And, partly in order to discharge debts, but more "to promote the convenience of domestic commerce," a public bank was established by act of assembly, which issued forty-eight thousand pounds in paper bills, that were declared to be a legal discharge of every debt. This currency was lent by the body politic to the individuals, on condition of

repaying annually a part of the principal. It required no acuteness in the merchants to discern that the planters had defrauded them of one half of their debts, when they paid in a money which had fallen in its value fifty in the hundred during a year. The traders of London discovered, without the help of the learned, that an assembly, who could oblige them to receive in payment what contained no real value, could by this means tax them without their consent, either for the support of their government or the discharge of their incumbrances. They exclaimed, without effectual redress, against the late act, "as injurious to trade, as a violation of the laws of the realm." And the proprietaries recommended to the governor and council, though their voice was feeble, to consider of expedients to prevent the mischievous consequences of an ordinance, destructive of credit, because inconsistent with justice, lest further complaints should force them to repeal it. While the celebrity of the province did not invite settlers from abroad, and the climate did not promote the propagation of the human species, no great addition could have been made to its populousness during the present reign. Yet a supply of laborers was procured by a mode which disgraced the colony; by reducing the aboriginal Indian, the freest of men, to servitude; by involving in his fate the unhappy African, who was subjected in a manner more peaceful, though not much more honorable. Having acquired energy even from their contests, the Carolinians extended their traffic to the neighboring colonies, to the Azores, to the West Indies, as well as to England. Having introduced a variety of new productions, as demand incited diligence, their commerce had probably been augmented one third since the demise of William. And the value of their whole property,

including their lands, their slaves, and their cattle, their merchandise and profits, was calculated to amount, in 1714, to seven hundred and nine thousand seven hundred and sixty-three pounds.

Thus, neither the policy of Britain nor the conduct of her colonies, during the reign of Anne, merits much of our approbation. We have seen, in the colonial administration of the queen, nearly all the contradictoriness and futility of the late king. Though the prerogative was exerted, in various instances, beyond the limits of law, because the greatest statesmen of that age considered its powers as unbounded beyond the Atlantic, its just authority was almost annihilated amid the struggles of faction. While that princess gave the plantations a security for personal freedom, beyond former example, parties built upon the ruins of regal influence their own consequence, "as the leading men already began to talk of shaking off their subjection to the crown." The chartered governments indeed, still the most numerous and the most powerful, only executed their forms when they acted as independent communities, "as if they had been no part of the dominions of England," because confidence was invigorated by the failure of every attempt to reclaim them to duty. "Yet, such was the plan of government," said the intelligent Hunter, "which they all aimed at and made no scruple to own." Though successive ministers were told, in figurative language, "that the colonies were then sturdy infants, sucking their mothers' breasts, who would wean themselves when they came of age," measures were thought of, but not adopted, for counteracting the force of a natural tendency. And the documents, which contained the most satisfactory information, the most alarming warn-